

TRANSACTIONS

OF THE

NATIONAL ASSOCIATION

FOR THE

PROMOTION OF SOCIAL SCIENCE.

TRANSACTION

• OF THE

NATIONAL ASSOCIATION

FOR THE

PROMOTION OF SOCIAL SCIENCE.

BRISTOL MEETING, 1869.

EDITED BY

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 Godwin, George, F.R.S.

Hastings, G. Woodyatt, *Chairman of Council*

Hawes, William, *Treasurer*
 Heywood, James, F.R.S.
 Hill, Frederick
 Hodgson, W. B., LL.D.

Holland, E. W.

Lambert, Rev. Brooke
 Lankester, Edwin, M.D., F.R.S.

McClelland, James
 Marshall, James

Pears, Edwin, *General Secretary*

Safford, A. Herbert
 Stewart, A. P., M.D.

Teulon, Seymour

Westlake, John, *Foreign Secretary*

FOREIGN CORRESPONDING MEMBERS.

- MONSIEUR LE COMTE J. ARRIVABENE, Bruxelles.
 MARQUIS D'AVILA, Ministre d'Etat de S. M. Très Fidèle, Lisbon.
 MONSIEUR MICHEL CHEVALER, Avenue de l'Impératrice, No. 27, Paris.
 MONSIEUR LE COMTE AUGUSTE CIEZKOWSKI, Wierzeńca, Grand-Duché de Posen.
 MONSIEUR DE METZ, Paris.
 MONSIEUR ED. DUCPETIAUX, Inspecteur-Général des Prisons et Etablissements de Bienfaisance, Rue des Arts, No. 22, Bruxelles.
 DAVID DUDLEY FIELD, New York.
 MONSIEUR LE DR. C. HELM, Wien, Austria.
 BARON VON HOLTZENDORF, Berlin.
 DR. EDWARD JARVIS, Dorchester, Massachusetts, U.S.
 PROFESSEUR KATCHENOWSKY, Université de Kharkow, Russia.
 HON. W. BEACH LAWRENCE, Ochre Point, Newport, Rhode Island, U.S.
 MONSIEUR LE DR. NEUMANN, Köpnickcr Strasse, No. 110A, Berlin.
 MONSIEUR F. LE PLAY, Sénateur-Inspecteur Général des Mines, Place Saint Sulpice, No. 6, Paris.
 MONSIEUR LE DR. SCHUBERT, Königsberg.
 MONSIEUR W. H. SURINGAR, Président de Mettray, Amsterdam.
 MONSIEUR LE DR. SUSANI, Professeur de Mécanique Industrielle à la Société des Arts, Milan.
 MONSIEUR LE DR. VARRENTRAFF, Francfort-sur-Main.
 MONSIEUR A. VISSCHERS, Conseiller au Conseil des Mines, Rue Royale, No. 106, Bruxelles.

HONORARY MEMBERS.

- MRS. JOHN KNOX, London.
 MISS MARY CARPENTER, Bristol.

OFFICERS OF THE ASSOCIATION FOR 1869-70.

President.

THE RIGHT HON. SIR STAFFORD NORTHCOTE, BART., M.P.

Vice-Presidents.

THE RIGHT HON. EARL RUSSELL, K.G.

THE RIGHT HON. EARL OF SHAFTESBURY, K.G.

THE RIGHT HON. LORD DUFFERIN AND CLANDEBOYE.

THE RIGHT HON. EARL OF CAERNARVON.

Presidents of Departments.

I. GEORGE WOODYATT HASTINGS.

II. REV. CANON KINGSLEY.

III. JOHN A. SYMONDS, M.D., F.R.S.E.

IV. RIGHT HON. STEPHEN CAVE, M.P.

Chairman of Council.

GEORGE WOODYATT HASTINGS.

General Secretary.

EDWIN PEARCE.

Treasurers.

W. STRICKLAND COOKSON. WILLIAM HAWES.

Foreign Secretary.

JOHN WESTLAKE.

Secretaries of Departments.

I. H. N. MOZLEY. A. HERBERT SAFFORD. JOHN SCOTT.

II. REV. BROOKE LAMBERT. REV. NASH STEPHENSON.

III. WILLIAM CLODE.

IV. ANDREW EDGAR, LL.D. E. W. HOLLOND. REV. S. A. STEINTHAL.

Auditors.

JOHN HOWELL. JOHN KNOX.

Assistant Secretary.

JAMES ROBINSON.

Bankers.

THE LONDON AND WESTMINSTER BANK, 1, St. James's Square, S.W.
MESSRS. RANSOM, BOUVERIE, & Co., 1, Pall Mall East, S.W.

Offices of the Association.

1, ADAM STREET, ADELPHI, LONDON. W.C.

LOCAL OFFICERS OF THE BRISTOL MEETING.

Vice-Presidents.

THE RIGHT WORSHIPFUL THE MAYOR OF BRISTOL.	SIR J. DUKE COLERIDGE, M.P., S.G.
THE RIGHT HON. THE EARL OF DUCIE, LORD-LIEUTENANT.	SIR WILLIAM TITE, M.P., F.R.S.
THE RIGHT HON. LORD HOUGH- TON.	THE VERY REV. THE DEAN OF BRISTOL.
THE RIGHT HON. LORD LAW- RENCE.	SAMUEL MORLEY, M.P.
THE RIGHT HON. SIR JOHN PAKINGTON, BT., M.P., G.C.B.	DONALD DALRYMPLE, M.P.
THE RIGHT HON. SIR CHARLES B. ADDERLEY, C.B., M.P.	COLONEL KINGSCOTE, M.P., C.B.
THE RT. HON. STEPHEN CAVE, M.P.	SAMUEL MARLING, M.P.
SIR ARTHUR HALLAM ELTON, BART.	THE WORSHIPFUL THE MAYOR OF BATH.
SIR EDWARD STRACHEY, BART.	THE RECORDER OF BATH.
SIR JOHN F. DAVIS, BT., K.C.B.	THE REV. WILLIAM JAMES.
	THE REV. DAVID THOMAS.
	WALTER BAGEHOT.
	PHILIP W. SKYNNER MILES.
	GEORGE THOMAS.

Treasurer.

JOSHUA SAUNDERS.

Local Secretaries

REV. EDMUND I. GREGORY.	JOHN F. NORRIS.
J. M. MARSHALL.	REV. PRECENTOR SKEY.

Secretaries of Departments.

- I. REV. A. N. BLATCHFORD. M. H. BOX. LEWIS FRY. WILBER-
FORCE LEONARD.
- II. ALFRED R. MILLER. REV. J. F. WICKENDEN.
- III. JOHN BEDDOE, M.D. DAVID DAVIES, M.R.C.S. ROBERT W.
TIBBITS, M.B.
- IV. R. H. WILSON. EDMUND T. WEDMORE.

Local Executive Committee.

THE MAYOR OF BRISTOL, Chairman.

W. H. BUDGETT.	JOSHUA SAUNDERS.
DAVID DAVIES.	HERBERT THOMAS.
LEWIS FRY.	W. H. WAIT.
REV. C. PERCIVAL.	MARK WHITWILL.

Local Assistant-Secretary.

JAMES COLLINS, JUN.

PRESIDENTS AND VICE-PRESIDENTS OF DEPARTMENTS OF THE BRISTOL MEETING.

I.—JURISPRUDENCE AND AMENDMENT OF THE LAW.

President.

GEORGE WOODYATT HASTINGS.

Vice-Presidents.

T. B. LL. BAKER.	SIR CHRISTOPHER RAWLINSON.
THOMAS CHAMBERS, Q.C., M.P.	T. W. SAUNDERS, Recorder of
SIR GEORGE GREY.	Bath.
MR. SERJEANT PULLING.	SIR J. EARDLEY WILMOT, BART.

Chairman of Reformatory Section.

SIR J. EARDLEY WILMOT, BART.

II.—EDUCATION.

President.

REV. CANON KINGSLEY.

Vice-Presidents.

REV. J. W. CALDICOTT.	REV. CANON NORRIS.
JAMES HEYWOOD, F.R.S.	REV. JOHN PERCIVAL.

III.—HEALTH.

President.

JOHN A. SYMONDS, M.D., F.R.S.E.

Vice-Presidents.

WILLIAM BUDD, M.D.	EDWIN LANKESTER, M.D., F.R.S.
GEORGE GODWIN, F.R.S.	ROBERT RAWLINSON, C.E.

IV.—ECONOMY AND TRADE.

President.

RIGHT HON. STEPHEN CAVE, M.P.

Vice-Presidents.

THOMAS BRASSEY, M.P.	CHARLES NASH.
SIR WILLIAM DENISON, K.C.B.	SIR EDWARD STRACHEY, BART.
REV. CANON GIRDLESTONE.	CHRISTOPHER J. THOMAS.
SAMUEL MORLEY, M.P.	ROBERT R. TORRENS, M.P.

LAWS OF THE ASSOCIATION.

Object and Organization.

I. The object of the Association is to aid the development of Social Science.

II. The Association comprises Four Departments: the first, for Jurisprudence and Amendment of the Law; the second, for Education; the third, for Health; and the fourth, for Economy and Trade.

III. The Association consists of Ordinary Members, Corporate Members, Foreign Corresponding Members, and Associates.

Terms of Membership.

IV. Any person who pays an Annual Subscription of One Guinea, or a Life Subscription of Ten Guineas, to the Funds of the Association, is an Ordinary Member.

V. Any Public Body paying to the Funds of the Association an Annual Subscription of Two Guineas is a Corporate Member.

VI. Foreign Corresponding Members are elected by the Council, the number of such Members being limited by Bye-law. Foreign Corresponding Members are exempt from payment.

VII. Any person who pays Ten Shillings to the Funds of the Association is an Associate for the Annual Meeting for which such payment is made.

VIII. The Annual Subscription is payable in advance on the first day of August in each year.

Officers and Government.

IX. The Association has a President, Vice-Presidents, Presidents and Vice-Presidents of Departments, a Chairman of Council, a General Secretary, a Treasurer or Treasurers, a Foreign Secretary,

and Secretaries of Departments, who are all annually elected, and hold office until the appointments of the following year are made.

X. The Association is governed by a Council, and by an Executive Committee, subject to the directions of the Council.

XI. The Council consists of the following persons :—

1. The President, Vice-Presidents, Presidents and Vice-Presidents of Departments, General Secretary, Treasurers, Foreign Secretary, and Secretaries of Departments.

2. Every Member who has filled the office of President, or President of a Department, or who has filled for three years the office of General Secretary, Treasurer, Foreign Secretary, or Secretary of Department.

3. Every Member who, up to the 31st of July, 1862, had served for three years as a Member of Council.

4. Every Member of either House of Parliament who is also a Member of the Association.

5. Such Members, not exceeding fifteen in each Department, as shall be annually nominated by the Standing Committee of each Department.

6. Such Representatives of any Branch or Local Association, not exceeding two, as may be nominated from time to time by such Branch or Local Association.

7. Such Representative of any Society existing in connection with the Association as may be nominated from time to time by such Society.

8. Such Representative of any learned Society, or Chamber of Commerce, being a Corporate Member of the Association, as may from time to time be nominated by such Corporate Member.

9. Such Members as may be nominated by the Association, on the recommendation of the Council, for special services to the Association.

XII. The Executive Committee consists of the Chairman of Council, the General Secretary, the Treasurers, the Foreign Secretary, one Secretary from each Department nominated by the Council, and Twelve Members elected annually by the Council.

XIII. The Council meets at the time of the Annual Meeting of

the Association, at three other times during the year, and also when specially summoned by the Executive Committee.

Annual and other Meetings.

XIV. An Annual Meeting for the reception of the Address of the President, and of the Reports of the Council and Standing Committees, and for the reading and discussion of papers, is held in such place, and at such time, as may be appointed by the Council.

XV. A Business Meeting of the Members is held in each year at the office of the Association, at such time as may be appointed by the Council, to receive a Report from the Council on the financial and other business of the Association, to elect the Officers and Standing Committees for the ensuing year, and to enact such Laws as may from time to time be required.

XVI. The Council has the power of summoning a General Meeting of Members, on fourteen days' notice, for such purpose and at such time and place as it thinks fit.

XVII. The General Secretary, on receiving a requisition signed by twenty Members, summons, at such time, being within thirty days, and at such place as he thinks fit, a General Meeting of the Members, for the purposes stated in such requisition.

XVIII. Special Meetings are held in London, under the regulation of the Executive Committee, for reading papers, and for discussion, on specific questions.

Rights and Privileges of Members.

XIX. Every Ordinary Member has the right of attending and voting at the Annual Meeting, the Business Meeting of Members, and all other General Meetings of the Association, of being eligible to any of its offices, and of receiving gratuitously its *Transactions*.

XX. Any Ordinary Member, whose name has been submitted for that purpose to and approved by the Executive Committee, and who pays an additional annual subscription of One Guinea, or an additional life subscription of Ten Guineas, has the privileges of attending and voting at the Special Meetings mentioned in Law XVIII., of receiving all publications issued in connection with such

Meetings, and of the using of the Library at the Office of the Association.

XXI. Every Corporate Member receives gratuitously a copy of the *Transactions*, and may nominate two representatives to attend the meetings of the Association.

XXII. Every Foreign Corresponding Member has all the rights of an Ordinary Member, except that of legibility to the Council.

XXIII. Every Associate has the right of attending and voting at the Annual Meeting, held by Law XIV.

Standing and other Committees.

XXIV. A Standing Committee for each Department is annually elected at the Business Meeting of Members. A Standing Committee has the power of appointing Sub-committees.

XXV. Special Committees are appointed by the Association or by the Council, to consider and report on specific subjects of reference.

XXVI. The Chairman of Council is, *ex officio*, a Member of every standing Committee, and the General Secretary and the Foreign Secretary are, *ex officio*, Members of every Committee and Sub-committee. The Secretary of each Department is, *ex officio*, a Member of every Committee and Sub-committee of such Department.

Constitution and Conduct of Meetings.

XXVII. For General Meetings of the Association twenty Members, for Meetings of the Council seven Members, for those of the Executive Committee five Members, and for those of other Committees and Sub-committees three Members, form a quorum.

XXVIII. At all the aforesaid Meetings the Chairman has a vote; if the votes be equal he has also a casting vote.

XXIX. No original motion, of which previous notice has not been given, is put from the Chair at any Meeting of the Association held under Laws XIV., XV., or XVI.

Finances.

XXX. The funds of the Association are kept in its name at a Bank. All sums received on Account of the Association are paid

into the Bank ; and all cheques on the Bank are drawn by order of the Council or of the Executive Committee, signed by the Treasurer, and countersigned by the General Secretary.

XXXI. At the Business Meeting of Members two Auditors, not being Members of the Executive Committee, are appointed on motion, by show of hands, to audit the accounts of the ensuing year.

XXXII. The accounts of the Association are made up to the end of June in each year ; and, after being duly audited, are appended to the Annual Report of the Council.

Vacancies in Offices.

XXXIII. The Council fills up any vacancy occurring during the year in any of the offices named in Law IX.

1869.	June 30.	To Printing Transactions of 1867 (Balance) ...	£	s.	d.	1869	June 30.	By Balance at London and Westminster Bank ...	£	s.	d.
		" Printing Transactions of 1868 (on account) ...	213	6	10			" Ransom & Co. ...	34	15	2
		" Rent and Gas ...	160	0	0			" Petty Cash ...	8	0	0
		" Salaries ...	568	4	5			" Subscriptions received in Office and at Bankers ...	12	3	10
		" Wages ...	322	2	0			" Birmingham Congress, remittance from Local Treasurer ...	1,081	10	0
		" Office Expenses ...	84	14	0			" Transactions and Publications sold ...	597	17	7
		" Library—Books, &c., for ...	91	6	9			" Rent of Rooms ...	50	11	4
		" Printing:—	45	0	10			" Advertisements ...	2	2	0
		General Account ...	43	8	10				2	5	0
		Sessional do. ...	180	19	6						
		Pamphlet do. ...	16	4	0						
		Stationery ...	240	12	4						
		Transactions: Delivery:—	26	0	0						
		Vol. 1867 ...	32	8	1						
		" 1868 ...	29	17	7						
		Collector's Commission ...	62	5	8						
		Postage ...	42	15	0						
		Travelling Expenses ...	64	17	3						
		Reporting Proceeds ...	39	11	2						
		Advertising ...	64	16	6						
		Grant to Joint Committee of the Association and the British Medical Association ...	20	17	6						
		Balance:—	10	0	0						
		London & Westminster Bank ...	49	13	1						
		Ransom & Co. ...	7	7	0						
		Petty Cash ...	0	14	4						
			57	14	5						
			£1789	4	11						

Audited and found correct.
21st July, 1869.

JOHN KNOW, Auditor.

INTRODUCTION

THE Thirteenth Annual Congress was opened at Bristol on Wednesday, September 29th, 1869, with a service in the cathedral, and a sermon preached by the Lord Bishop of Gloucester and Bristol. On the evening of the same day the usual opening address was delivered in the Victoria Rooms, Clifton, by the Right Hon. Sir Stafford Northcote, Bart., M.P., President of the Association.

The addresses of the Presidents of Departments were delivered as usual on Thursday and the following mornings in the Victoria Rooms, after which the sectional business was proceeded with in the different places assigned to the several Departments.

A *soirée* was held at Colston Hall on Thursday evening, and a second in the Victoria Rooms on Monday evening. At the latter, Miss Carpenter gave a most interesting address on Female Education in India. The Council, in recognition of Miss Carpenter's great services in connection with reformatory work, and with female education, both here and in India, unanimously elected her an honorary member of the Association.

On the evening of Friday a Working Men's meeting was held in Colston Hall, at which probably not less than 3500 working men were present. The Mayor of Bristol presided, and the crowded meeting was addressed by the President and other members of the Association.

A Conference of Ladies was held at the same time as, and in connection with, the meeting of the Congress. Many ladies attended, and under the presidency, first of Miss Carpenter, and subsequently of Lady Bowring, subjects of

great interest, and specially connected with women's work, were brought forward.

The business in the Departments was summed up in the following Report from the Council, which was presented to the concluding meeting in the Victoria Rooms on Tuesday, October 5 :—

“The Council have to congratulate the members on the success of the Thirteenth Annual Congress of the Association. The delivery of the addresses has been well attended, and the Departments and Sections have attracted a great, and in some instances an unusual, amount of interest.

“The Working Men's meeting was remarkably successful, 3500 persons having attended, of whom, probably, 3000 were working men.

“The Congress afforded another opportunity to the members of the Association to hear an account from Miss Carpenter of her work in connection with female education in India. At the Victoria Rooms that lady delivered a farewell address on the subject to a crowded audience, previous to her departure for the third time to India.

“The thanks of the Association are eminently due to the President of the Association, and to the Presidents, Vice-Presidents, and Secretaries of Departments, for the able and efficient manner in which they have performed their duties; to the Lord Bishop of Gloucester and Bristol for preaching the sermon at the opening service; to the Right Worshipful the Mayor and Corporation of Bristol for the use of the Guildhall for committee meetings; to the Committees of the Fine Arts Academy, Bristol Library, Philosophical Institution, Blind Asylum, and the Trustees of the Victoria Chapel, for the accommodation afforded the Association by the use of their rooms; to the heads of the various institutions and establishments who have so kindly thrown open their premises to the visitors attending the Congress; to the Post Office authorities and to the Volunteer Club, respectively, for the convenience afforded to members by them; to the inhabitants, who have so hospitably entertained the visitors, and especially to the Local Officers and Local Committees, who have so energetically exerted themselves to bring the business of the Congress to a successful issue.

“ JURISPRUDENCE. DEPARTMENT.

“*International and Municipal Law Section.*—The first question in this Section—What ought to be the Legal and Constitutional Relations between the United Kingdom and the Colonies?—was ably discussed by a number of speakers, among whom both imperial and colonial interests were fairly represented. While a strong

feeling was expressed in favour of the permanent maintenance of the integrity of the whole empire, it was admitted that the present relations between the mother country and her dependencies were not altogether satisfactory. It was particularly pointed out that the colonies have no adequate facilities for access to the councils of the Imperial Government, and a preponderance of opinion was manifested in favour of the creation of a council to assist the Secretary of State for the Colonies, on the same footing as the council now attached to the Indian Office—the members of this colonial council to be elected by the various colonies of the empire. A suggestion for the abolition of appeals to the Judicial Committee of Privy Council was decidedly negatived, it being felt that for securing the unity of law throughout the empire, a supreme metropolitan Court of Appeal ought to be maintained.

- “The discussion on the second special question—What limits ought to be placed by law on charitable endowments?—while it produced a diversity of opinion as to the policy of encouraging charitable bequests or gifts, resulted in a general concurrence as to the necessity for a constant revision of charitable endowments by public interference, to meet the changing requirements of successive generations, and to prevent the misuse of the power of perpetual disposition, which, as it is wholly the offspring of State authority, should be strictly subjected to State control.

“The question—What ought to be the principles regulating the ownership and occupation of land?—led to the conclusion that the duration of charges upon land, and the period of prescriptive title, ought to be considerably shortened; and the pending Irish land difficulty would best be solved by securing to the tenant full compensation for improvements to the land at the termination of the tenancy, through the agency of a public tribunal, the Civil Bill Courts being recommended for that purpose.

“A discussion on the provisions of the Married Women's Property Bill showed that the great preponderance of opinion is now, as it was last year, in favour of that measure, and that the necessity for maintaining the leading principle of the Bill, that marriage should not operate as an absolute transfer of the wife's personal property to the husband, was strongly affirmed.

“The principles and administration of the Patent Law were fully and ably discussed. A general conviction was expressed to the effect that an alteration of the laws cannot be long delayed.

“*Reformatory Section.*—Many members of great experience in regard to the working of the Industrial and Reformatory Schools Acts, took part in the discussion of the special question—What have been the results of those Acts?—and the general opinion was that these Acts have been signally beneficial, but that the parents should be called upon to contribute more largely than they at present do to the support of their children in Reformatory or Industrial Schools.

“The meeting also expressed a strong opinion that prison labour

ought to be more productive, and that greater uniformity ought to be introduced into the management of our gaols.

"The Section discussed the subject of 'professional crime,' and were of opinion that the valuable Habitual Criminals Act of last session is not sufficiently comprehensive to have a due effect on the repression of professional crime, and that in some cases where young persons are concerned, it would be advisable to substitute flogging for imprisonment. Many speakers were of opinion that flogging for first offences was advisable.

"The Section was unanimously in favour of the appointment of a public prosecutor, the Scotch system, with some modifications, being preferred.

"The opening paper on infanticide recommended that the punishment of death be abolished in cases where the mothers were the offenders; that the registration of still-born infants should be enforced, and that the coroners' return in the judicial statistics of the number of newly-born children found dead, on whom the inquests have been held, should be published by the Home Secretary. On the other hand, it was contended that the recognition by the Legislature of infant homes for illegitimate children, giving the managers the power to proceed before a magistrate against both parents for contribution, and the registration of children put out to nurse, would tend to the diminution of this offence.

"On the question of sanitary police a strong opinion was expressed by the Section that our sanitary laws are in a very defective state, and that the employment of officers in the nature of police is desirable.

"In considering the question of the abolition of capital punishment some difference of opinion was expressed, and the Section abstained from recording any definite opinion respecting the policy of such abolition.

" EDUCATION DEPARTMENT.

"After papers advocating respectively the denominational and the undenominational side, a vigorous discussion ensued upon the question whether an unsectarian system of education is necessarily irreligious. The general opinion seemed to be that it was perfectly possible to have an unsectarian system which should not be irreligious; that religious instruction might be given in schools, attended by children of all religious denominations, by the clergy of the denominations to which they belong, either on a portion of each day in the schoolroom, or on some pre-appointed day or portion of a day at places where the clergy might gather together from all the schools the children of their own denominations.

"It was shown that the present system of education practically leaves untouched half of the total population of children between the ages of three and fifteen. A general unanimity of opinion was expressed that the destitute and neglected portion of the population

could only be brought under a system of education by the aid of compulsory measures, and of a system of free schools. Several of the speakers, however, strongly insisted on maintaining as far as possible the present voluntary exertions.

"A long discussion took place on the question—Whether national education should be paid for out of local rates or general taxation? A lucid paper on the Endowed School Bill resulted in the passing of a resolution requesting the Council to bring before the Endowed School Commissioners the advisability of so framing schemes for middle-class schools as to give an opportunity to the children of the labouring class to prosecute the higher branches of education.

"The Department was also of opinion that the education of girls ought to receive a large share of attention from the Commissioners.

"The discussion on the papers of the day brought out incidentally a strong opinion that if compulsion in education were forced on the lower classes, it should also be forced on the upper and middle classes.

"Papers were read on the subjects of Female Education, the Education of the 'Two Sexes' in Schools common to both, and on the Teaching of Physiology, especially in reference to girls. A letter was also read from the Rev. F. D. Maurice, pointing out the injurious effects resulting from the undue extension of competitive examinations. The President commented on the importance of observing in education the physical distinction between the sexes. An opinion was expressed that limits of age should be regarded in the carrying out any system of mixed education of boys and girls.

"HEALTH DEPARTMENT.

"On the question whether Government can beneficially interfere to limit the spread of infectious diseases, an animated discussion took place. The opinion unanimously expressed was that the time had arrived when Government may, after the receipt of the Report of the Royal Commission, arrange and simplify existing laws, render sanitary law compulsory, and assist in obtaining for the people pure air, pure water, and pure food. In order that sanitary law may be effectively worked, it is desirable that a special department of the State should be created for the supervision and regulation of the public health.

"The Department thought the penal laws repressive of voluntary drunkenness might be advantageously extended, or at all events be more rigidly enforced than at present, and that dipsomaniacs should be liable to deprivation of liberty, with a view to their protection and reformation.

"A discussion took place on vaccination, and although a few gentlemen advocated the desirability of non-vaccination, the opinion very largely predominated in favour of the practice.

"The Council were recommended by the Department to consider how far the Association can co-operate with the British Association in making inquiries as to the best mode of utilizing town sewage."

"ECONOMY AND TRADE DEPARTMENT."

"The general tone of the papers and discussion on the administration of the Poor Law led towards the improvement of classification, the introduction of voluntary effort to co-operate with the guardians, the need of drawing a strong line of demarcation between those who have fallen into the pauper ranks from their own vices, and the poor who are driven to seek relief from misfortune over which they have no control. A very strong feeling was expressed on the evil influences of indiscriminate almsgiving. The Section thought that educated women might usefully be employed in the inspection of workhouses and Poor Law hospitals, and that a charitable committee in connection with the Board of Guardians, working a system of house-to-house visitation, would be of great value.

"The Department of Economy and Trade found that unusual interest was created in the discussion of the question of emigration from the presence of a considerable number of colonists. Most of those who took part in the discussion were of opinion that the emigration of paupers would be mischievous; that it was not desirable to confine emigration merely to the class immediately above paupers, but that a well-conducted scheme of emigration would be advantageous both to the colonies and the mother country. The feeling of the Section was very strongly in favour of State aid being given to the emigration of artisans and agricultural labourers, with families. A proposition to establish schools, in which orphan children should be trained in industrial employment before being sent to the colonies, met with general approval.

"The result of the discussion on the condition of the agricultural labourer was to call forth a general opinion that the agricultural labourer was paid according to the amount and quality of the work he was able to do, and that in order to raise his wages he must be educated so as to be able to do better work than at present. The opinion was expressed that if he were better educated he would emigrate of his own accord, but that of the present generation large numbers of agricultural labourers might be assisted to emigrate.

"The meeting appeared to concur in the suggestions that it would be on the whole more beneficial that the labourer should be paid altogether in money, and the form of education best suited to agricultural districts would be a modification of the half-time system.

"In a discussion which took place in this Section on the charge for mintage the opinion was almost unanimous against any change.

"A strong opinion was expressed by those present in favour of the total Sunday closing of public-houses, and that in any amendment of the law measures should be taken to secure attention to the wishes of a majority of the ratepayers."

The Joint Committee of this Association and of the British Medical Association published in August last a Report, in which they express the opinion that the labours of the Royal Sanitary Commission should not be restricted to England and Wales, and that the metropolis also ought not to be excluded from their inquiry.

The Council, during the past year, has petitioned in favour of the Endowed Schools Bill, the Habitual Criminals Bill, and the Evidence Further Amendment Bill, all of which have been enacted. The Council also presented a petition to the House of Commons in favour of the Married Women's Property Bill, and of Mr. Locke King's Real Estates' Intestacy Bill. Memorials have been forwarded to the Government on Gambling Farms at Hong-Kong, on the Coolie trade between China and other countries, on the Scotch Education Bill, and on other important subjects.

The Council has to regret the loss of the Earl of Radnor, Sir Wentworth Dilke, Bart., F.R.S., Sir J. V. B. Johnstone, Bart., M.P., Vice-Admiral Hastings, Sir James Emerson Tennent, Sir Thomas Hastings, K.C.B., Mr. W. M. Best, Mr. George Peabody, Mr. Thomas Jones, Q.C., and Mr. William Ewart, M.P.

They have the satisfaction to report that they have come to the conclusion to hold their next annual meeting at Newcastle-upon-Tyne.

EDWIN PEARS.

Opening Address

BY THE

RIGHT HON. SIR STAFFORD H. NORTHCOTE,
BARONET, M.P.,

PRESIDENT OF THE ASSOCIATION.

THERE is something in the title of an Opening Address to the members of the Association for the Promotion of Social Science which savours a little too much of a discourse on things in general. But while I allow that discourses on things in general are for the most part flat and unprofitable, I can neither admit that the labours of this Association can justly be set down as trivial and unimportant, nor deny the value of the custom which obtains, of calling upon your President to introduce them by some remarks of a general character. The lines of your constitution were traced by no ordinary hand; and you have won for yourselves a reputation which I doubt not you will long sustain. Of your practical importance no one, who has considered the influence of public opinion upon the destinies of our country, and who has attended to the mode in which public opinion is formed and guided, will entertain a moment's doubt. It will of course be admitted, and the observation will even be smiled at as a truism, that the improvement of our laws, the promotion of national education, the better care of the people's health, and those other questions to which the Association directs its attention, are in the highest degree matters of national concern. It is, perhaps, equally a truism, though one which certainly ought to provoke anything but a smile, that they are matters upon which the mind of the nation is very far from being made up. A great deal of the energy, which should be directed to the improvement of our condition, is spent upon mere wrangling as to what we ought to do; and even that is not the worst part of the case, for the question, What we ought to do, is too often made entirely subordinate to the question, Who ought to have the doing of it. The great reserve of power which is at the nation's command is practically wasted, because the nation does not

know how best to turn it to account. It is the object of this Association to remove this reproach, by promoting the better understanding of the questions which lie at the root of the national difficulties. Its action, I fancy, is two-fold; that is to say, there are two ways in which it operates on the action of the public. It facilitates the discussion of abstract principles of legislation, apart from considerations of passion and party interest, and so helps to lay a sound foundation for Parliamentary proceedings; and it diffuses a general knowledge of matters which are of general interest, and so helps to induce people both to support the action of Parliament when they have got it to act, and to do their own work in a great number of cases without calling on Parliament to act at all. If I were asked, what at this moment I considered to be the great English problem, I should reply: It is how to make the best use of Parliamentary Government. We have in Parliamentary Government an engine of the highest capabilities, which may be turned either to good or to bad account according as we understand, or do not understand, the mode of using it. It is, as Hamlet says of his pipe, an organ in which there is much music and an excellent voice, if only the nation know how to make it speak. It is, at the same time, an organ which is very capable of being misused, if the nation will not take the trouble to learn how to play upon it. You will, of course, understand that, in making these remarks, I speak of Parliamentary Government in its bearings upon social advancement. In all that we may say upon this topic we must accept, as a political axiom, the general outlines of the form of Government which we find established amongst us. We must accept the doctrines of ministerial responsibility to Parliament, of Party action in the Legislature, and of that necessary adjunct to the system,—Party organisation among the constituencies. Accepting these, and bearing in mind the immeasurable distance between such a constitution as this and what is commonly called a paternal government, we have to address ourselves to the question, how the Powers of our own Parliamentary system can be made available, with the greatest advantage and with the smallest inconvenience, for the promotion of our social progress. To the question thus stated, one obvious preliminary answer at least suggests itself. The people must be taught to support and to co-operate with the Government. Under a paternal form of government this is not indispensable. If an intelligent despot is convinced that the welfare of his subjects demands

that certain sanitary regulations should be enforced, or that certain provisions should be made for the promotion of education or the repression of crime, he has but to give the necessary orders and to insist on their being obeyed. If from any circumstances his good intentions should in the first instance be frustrated, he, at the same time remaining convinced that his principles of action were right, and that the failure in their application is due to temporary or removable causes, he can persevere and secure for his experiment a fair and sufficient trial. But with us matters are different. A minister has to be convinced, not only that certain regulations are desirable, with a view to the public interest, but that he can carry them through Parliament. When he has made up his mind to the attempt, he has to encounter all manner of opposition, and an incredible amount of misrepresentation. The local and personal interests which he disturbs, or which it is supposed he may disturb, present themselves in formidable array against him, while the general interest of the whole public is very feebly represented, and tamely supported. Party action is invoked. Motives of a party character are freely imputed and freely appealed to, for the purpose of securing his defeat. Nor does the mischief end there. When the necessity for action of some kind is recognised, and when direct obstruction has become an impossible policy, then there is a danger of competitive action, one party endeavouring to outbid the other, or to suggest a more palatable mode of attaining the purposed end. From competition we advance to compromises; and in all probability a well-conceived, and perhaps well-considered, measure is mutilated and spoilt, for the sake of getting something, no matter what, but something, passed. It has been said that a good man struggling with adversity is a spectacle to move the compassion of the gods; I venture to think that an equally pitiable one is sometimes presented by a good draftsman, who, after having spent months in the careful elaboration of a complicated measure, finds himself stationed under the gallery of the House of Commons to watch his Bill, in the charge of an under-secretary, making what is called (for the sake of euphony) progress in committee. A night for its discussion has been secured with some difficulty; the necessary attendance of Ministerial voters enforced, not without a little grumbling; a full half of the members supposed to be present are dispersed in the libraries, lobbies, dining-rooms, and elsewhere, whence they will hurry in when the division bell rings, to vote

first and ask what they have been voting about afterwards. Some acute Opposition critics are in their places, ready to take exception to every discoverable flaw; so are some representatives of the local or sectional interests against which the measure is supposed to militate, ready for action of any sort, direct or indirect, for long speeches against time, for motions for the adjournment of the debate, in short, for any course by which they may hinder the Bill without directly opposing it. Not a man on the Treasury Bench really understands or cares for the question except the unlucky under-secretary. He can count on some support from his colleagues, but on no sympathy. These are the occasions for the compromises by which many a good measure has been spoilt, simply because the public at large, for want of understanding it, took little interest in it, and because the apathy of the country was faithfully reflected in Parliament. Yet it must not be forgotten that it is on occasions like these, too, that the sting has often been taken out of measures, which if they had been passed as they were introduced, would have been instruments of folly rather than of wisdom, and would have done harm rather than good, because they were measures introduced merely to give effect to a crotchet or to satisfy a clique, and were not framed with an adequate appreciation of all the sides of the questions with which they were connected. At all events, whether it be for good or for evil, such is the fashion of our Parliamentary system of legislation upon social questions, and such it is likely to continue to be. It is, perhaps, to be regretted that we are too prone in the present day to turn to Government and the Legislature for help in matters which we ought to settle for ourselves. At the same time any candid person, who takes a comprehensive view of our position, must admit that in some respects, the intervention of the Government is much more necessary now than it used to be in former times; and that social questions are assuming such large dimensions that they cannot be adequately dealt with except by the employment of the central administrative machinery. This arises partly from the magnitude of the operations which have to be effected, and partly from the complication of the interests which they affect, and from the increased power of classes which in former times exercised comparatively little influence over our social arrangements. The rapid increase of the population, the great development of our communica-

tions, the accumulation of our wealth, the application of science to industry, the pressure of foreign competition, and many other causes which it would be tedious to enumerate, tend to render it more and more necessary, when any important social improvement is in question, to secure the co-operation of large classes upon a large scale. This can best be done, and in some cases can only be done, through the intervention of the central Government. For co-operation involves a good deal of apparent, and some real, sacrifice of individual rights and interests; and where those who are called on to make it are not sufficiently enlightened, or sufficiently patriotic, to take broad views, the general good is in danger of being postponed to individual fancies and prejudices, unless some kind of compulsion be used. It may still be true that an enlightened sense of self-interest is a powerful agent for effecting public good, but the difficulty is to bring men up to the necessary pitch of enlightenment; and, even when you have done that, you have done nothing unless you can convince them that others will act up to the common standard; for it is the first condition of co-operation that men should have faith in those who are to co-operate with them. Hence arises the demand for some kind of compulsion, and this leads to a call for Government interference. And if the interposition of Government is often needed to give effect to the principle of co-operation, it is equally often so to prevent its abuse; that is to say, to prevent the weak and helpless being made its victims, and to secure fair play to individuals. This being so, and it being at the same time true, as I just now pointed out, that what the Government does in these matters it does under great disadvantages, arising from the backwardness of the public interest, and the unpreparedness of the public mind, it stands to reason that the free discussion of social questions by intelligent but irresponsible bodies with a view to their thorough elucidation, and to the preparation of the public mind regarding them before legislation actually begins, must be very desirable. I daresay you have heard of the sportsman who taught himself to shoot steadily by loading for a whole season with blank cartridge only. These discussions of yours are, I fancy, in the nature of such blank cartridge shooting; and they ought to be useful as affording opportunities for calm investigation, such as the hurry of Parliamentary business does not always allow. At the same time we must not forget that irresponsible discussion has its dangers, and that, where the check supplied by the necessity for practical action is wanting, we have to be the more strictly on our guard against dogmatism and presumption, both in order that we may ourselves arrive at the

in their inmost minds very different from that which finds its way to their tongues or pens. A man sees, or fancies that he sees, that persons who are aiming at objects which he dislikes have cast their eyes on certain charitable endowments, and are trying to alter the mode of their administration, with a view to make them serve their own purpose. He views, therefore, their proposals for a reform in the administration of these charities with distrust and alarm; and, to strengthen his position, instead of making a defence of their existing administration on its own merits, he sets up the will of the founder as an outwork to be first defended, and contends that it precludes any alteration at all. On the other hand, the assailant, finding himself checked in the desire to reform details by the obstinate *non possumus* of the defendants, turns upon the principle of Endowments itself, denounces all respect for the wills of deceased persons who have left their property to what is called a charity as idolatry and founder-worship, and claims on behalf of the State the right to deal as freely with property so left as with any other property of a public character. In a country so rich as England in endowments of all sorts, which might unquestionably be made much more useful than they are, and at a time when there are so many conflicting claims to be adjusted, and when there are so many reasons which should make us peculiarly careful as regards our dealings with rights of property, it is very unfortunate that we cannot find some common ground on which to proceed in the path of safe and practical improvement in this matter. The two extreme theories to which I have adverted appear to me equally untenable. Happily, they are modified in practice by the good sense of the community; and the tendency of the age appears to be in the direction of a reasonable compromise between them. It is obviously monstrous to contend that every life of a founder's will is to be literally obeyed, two, three, or four centuries after his death, however complete the change of circumstances may have been, and however foolish, or even mischievous, may now be the working of an originally wise disposition of his property. The right of devolving property by will is a right created by the law; and it is not to be presumed that the law intended to create an absurdity. On the other hand, it is equally preposterous to say that a man ought to have an absolute right to leave his property to an individual—to one of his family, to the exclusion of the rest—or to a stranger, to the exclusion of every relative that he has—and that, though it may not have been of his own acquiring, but may have descended to him

from a remote ancestor; but that he ought not to be at liberty to leave it for the benefit of his native place, or for the promotion of some good and laudable object in which he takes a special interest, and for which, perhaps, he has sacrificed his time, his money, it may be his life itself; even though he may have accumulated his wealth by his own industry, and may have no near relative with the slightest claim upon him. It is preposterous to say, as some appear to do, that property given to the public, subject to a trust, is in truth free from any trust; that the State may, without injustice, take money left (say) last year for a hospital in Bristol and apply it to augment the revenues of a grammar school in Northumberland, if it thinks the grammar school more needed it than the hospital. The State has, of course, the power—and it may sometimes be its duty to exercise the power—of confiscating any property whatever, whether it be in the hands of individuals or corporations; but let us have things called by their right names, and justified on their true grounds. If a man has left his property to be applied in a manner obviously injurious to the State, the State has a clear right to forbid and to prevent the application; or if by a change of circumstances his original intention is practically defeated, it is but common sense to give effect to it in the spirit rather than in the letter. These are cases in which no great difficulty ought to arise; the difficulty arises when the State desires to promote some new object for which adequate provision has not been made, and to avoid the necessity of raising the required funds by taxation, conceives the idea of appropriating to it those which have been bequeathed long ago for other and—as it now seems—less important purposes. If small doles, for instance, should be adjudged to be essentially mischievous and not beneficial, let them, on that ground, be swept away; if it be thought that, though once beneficial, they have ceased to become applicable to the present state of society, and that the class of persons for whom they were intended could be better served by a variation in the form of the benefaction, let the variation be made by the authority of the State as the supreme trustee of the charity. But to say we want funds to enable us to improve education; these dole funds lie conveniently to our hands; they are public property, and we will appropriate them to the public object which happens for the moment to be the most in favour, would be to strike a blow at the principle of endowments, as it has been hitherto understood and accepted among us, which would, I think, be very inconvenient, unless, indeed, we proposed to discourage endowments altogether. Our discus-

sions, then, on this question ought, as it seems to me, to turn upon two points; first, whether it is desirable to favour the policy of private endowments at all; and secondly, if the first question be answered in the affirmative, what limits should be placed upon the power of founders and benefactors. In connection with the first point, it is necessary to consider how far it is expedient to give to private persons the sort of influence in the decision of questions of public policy which the power of endowment undoubtedly carries with it. This raises some difficult questions. I suppose I may assume that most persons will admit that there are material advantages in the permanence which an endowment gives to an institution, and that in the majority of cases—though certainly not in all—the institution gains more by being endowed than it can be supposed to lose in the way of voluntary subscriptions which would be given to it if it were not endowed, provided that the terms of the endowment are sufficiently reasonable and elastic to allow of the institution being so managed as to attract general confidence and approbation. On the other hand, an institution richly endowed, but saddled with conditions which deprive it of such confidence, may not only be itself injured by the endowment, but may become a cause of public inconvenience by hindering voluntary action in the same field. A well-endowed grammar school, for instance, with its substantial and commodious buildings, its exhibitions and scholarships, its traditions and connections, its comparative independence of caprice, and its command of masters, has advantages which it would be foolish not to admit. On the other hand, if the system of teaching is too strictly defined, and if there is no room for the introduction of such improvements as the circumstances of the age require, the school will not only be a failure itself, but the cause of embarrassment to other schools and a hindrance to education. Now, if the endowment be a public one, the State will of course take care to make from time to time the necessary alterations in its conditions; but if it be a private one, and if the State recognise any distinction between public and private foundations, such alterations cannot well be arbitrarily made unless it be established as a general rule, clearly expressed, or at least clearly understood by all intending founders, that their endowments are accepted only on the condition that the State shall control their application. The State, as it seems to me, would act unwisely in discouraging private endowments altogether. Yet in encouraging them it would do well to provide against their being so used as to thwart and impede public policy. It is

difficult to lay down rules which should secure both these objects; but I would draw attention to some suggestions, originating, I think, with Earl Fortescue, though I am not quite sure that he would cast them precisely in the form in which I invite your consideration of them. It is suggested, first, that there should be a recognised public authority to which all proposed endowments should be referred for acceptance; and that this authority should have power to cancel the endowment if its acceptance should appear likely to be inconvenient to the public interests. In any case of disallowance in the lifetime of the intending founder he would simply retain the absolute command of his property. In the case of the disallowance of the terms of a will, the property would follow the testator's disposition of the remainder of his estate. If the public declined to accept it on his terms, they would have no right to claim it on any other. Secondly, when an endowment had once been accepted, the terms should be strictly observed for a limited, but adequate, time after its creation, subject only to the supreme right of Parliament to interfere in cases of great necessity, and to a general power on the part of the trustees to obtain authority to adapt it from time to time to the varying circumstances of the day, but always in strict conformity with the spirit of the foundation. Thirdly, after the lapse of a fixed period, say a century from the time of the foundation, some public authority should be charged with the duty of reporting fully upon the working of the endowment, and of recommending any revision which might appear to be desirable. Such reports might thenceforward take place periodically, say once in every fifty years, and Parliament be invited to act upon them as a matter of course. Such a system as this would undoubtedly present many advantages if the details could be satisfactorily arranged. At all events it seems to present a fair basis for discussion.

I have already observed that this question connects itself with that of the working of the Endowed Schools' Act, which is one of the subjects proposed for your consideration this year. It connects itself also with the whole question of education, and particularly with that of religious education, which we have contrived, I think unnecessarily, to make one of the greatest difficulties of the day. It is the avowed, or unavowed antagonism between the spirit of the State and the spirit of the Church in the matter of education, coupled with the circumstance that the educational endowments of the country are mainly due to Churchmen, that raises so much embarrassment as to the mode of dealing with them. I observe that you propose to discuss the root of the matter, and to consider

whether an unsectarian scheme of education is inconsistent with religious teaching. The question, I must frankly say, does not appear to me to be very happily worded. The word "unsectarian," the word "education" itself, and the phrase "religious teaching," are all vague and undefined; and unless men are well agreed as to the meaning of the words they use they are not likely to argue to much purpose. Is it meant, one might ask, that sectarianism is synonymous with religion? and is the problem, how to reconcile secular education with religious teaching? or is the distinction drawn between the two epithets, and is it meant that we should inquire into the possibility and propriety of teaching religion in what is called an unsectarian way? It would be well that this should be made as clear as possible, for a great deal turns upon it. In any case, allow me in passing to enter my protest against the use of this word "sectarian," the importation of which into the Education question has I believe done more to complicate its difficulties than any other circumstance attending the controversy. It is one of those trivial words, pregnant with unsound argument, which ought to be arrested by the police of society. I will not now attempt to enter upon this great question of education further than to ask you to consider well whether it is a matter which it is desirable for the State to take absolutely and directly into its own hands, or whether it is one upon which it should avail itself of the assistance of private and voluntary auxiliaries. If the voluntary organisation which has hitherto done so much is still to be maintained and encouraged, some of the questions which are being brought under our notice must be decided, not solely upon abstract grounds, but with reference to the views and feelings of those whose services we desire to enlist; and the State must be willing, for the sake of getting its work done, to conciliate those through whose aid it hopes to do it. This remark has of course an especial bearing upon the religious question. If religious men and religious communities are instigated by religious motives to throw themselves into the work of education as into a labour of love, it may be well worth the while of the State, as a mere matter of secular policy, to encourage and to supplement their efforts for the sake of obtaining at a moderate cost the advantage of a machinery which it would have difficulty in creating for itself. In such case it would be quite reasonable that the State should append to its offer of assistance conditions framed with a view to secure its proper application, and generally to promote the efficiency of the system; and the voluntary bodies to whom the aid is

offered must be prepared, if they choose to accept it, to accept the conditions with it. Such an arrangement will, almost inevitably, involve concessions on both sides. These may honourably be made for the common good, if they do not require a sacrifice of principle, and if, by making them, efficiency may be attained. The history of our Education system for the last thirty years is a history of such concessions, and to one who looks back calmly and impartially it ought not to appear an unsatisfactory history. We have, however, more to do with looking forward than with looking back. It is undeniable that much greater efforts are still required in order to give the people the full measure of education which it is right that they should have; that there are classes which the present system reaches very imperfectly or does not reach at all; and that even in the case of those who are reached in a measure, much more needs to be effected. The question then arises, can we develop our present system so as to make it co-extensive with our requirements, or must we cast it aside and substitute for it one of a more purely governmental character? No doubt, were we to set about it, we might frame a governmental system more drastic, and more obviously logical, than what we now possess. But it is a not unfortunate characteristic of Englishmen, that we are sometimes happily illogical; or, perhaps, I might more truly say that our practical conclusions appear illogical because they rest upon a basis broader than is at first perceived;—a basis of combined governmental and voluntary action, very unintelligible to certain minds, very absurd in certain eyes, but very dear to the nation. This basis, I for one, am reluctant to abandon, either in the matter of education or in many other matters which it is the tendency of the day to throw in much greater measure than heretofore into the hands of the Government. I am disposed to counsel the supporters of the voluntary principle in relation to social questions to make greater efforts than they have yet done, and to go to the utmost points of concession to which they can fairly advance, rather than allow themselves to be superseded and driven from the field by direct Government agency. I am disposed, on the other hand, to urge the Government to refrain from taking upon itself the exclusive responsibility for any class of work which it can get fairly well done by well-regulated and well-aided voluntary agency; and I would impress upon an association such as this my strong conviction that it may render most valuable service by endeavouring to promote the thorough and temperate discussion of the points which have to be settled in the various controversies between the advo-

cates of State action, and the advocates of voluntary action, with a view to harmonise the two.

I hope that in what I have been saying I have not led you for a moment to suppose that I undervalue the immense power for good which resides in the State, and which can only be exercised by the State; or, that I am of opinion, that what the State now does for the advancement of important social objects is anything like sufficient. On the contrary, I believe that there never was a time when State assistance, of the right kind, was more needed, for the advancement of these objects than at present. The State is, or ought to be, in the possession of much more perfect information than any private body; its command of the machinery of administration is greater in almost every department of life; and it holds a position of independence and authority, which gives it advantages to which no private individual or corporation can make any pretensions. It is, therefore, most reasonable that in examining social questions we should give great prominence to the inquiry, how far the State can properly and usefully interfere to promote social improvement? This inquiry we very naturally make in connection with the third of the great departments of this Association,—the Department of Health. Public health, as has well been said, is public wealth; and it is a description of wealth, which, it is to be feared, we do not husband so well as we ought to do. Now, no amount of individual care, or of individual skill, can do what is wanted in this matter. Combined action is necessary to secure to the great masses of our population the first conditions of a sound sanitary state, to check the propagation of infectious disorders, to prevent over-crowding in dwelling-houses, to provide an adequate supply of pure and wholesome water, and otherwise to bring all the forces of civilisation into play in order to counteract the evils which civilisation brings in its train. For these are not inconsiderable. It is not quite without reason that the ancients feigned that the introduction of the arts of life by Prometheus was followed by the introduction of a host of new and unknown diseases, especially when they added that mankind had by their own carelessness forfeited the gift of perpetual youth with which the gods had, in the first instance, crowned the measure of their blessings. The progress of population, consequent upon the increase of wealth, and the ever encroaching exigencies of competition, tend very obviously and directly to the introduction of new dangers to health and to life. But the antidote accompanies the poison, if only we have the skill and the

sense to use it; and it seems to be a legitimate function of the State to take care that, while private enterprise is hastening after the acquisition of wealth, and is applying all the resources of science to its production, recourse should be also had to science for protection against the evils which the wasteful, because selfish, spirit of private enterprise might otherwise engender. It is much to be regretted that we have not as yet a thoroughly well organised department of the Government, charged with the duty of superintending our sanitary system. There is, I am convinced, abundance of work for a Minister of Health, and I believe that such an officer would be able amply to justify the expense which the department would occasion by the services he would render. We must remember that there is the broadest distinction between Government interference with private enterprise and Government support of private enterprise; and we must not confound the creation of public offices for the promotion of important objects with the absorption of all dealings with regard to those objects by the State. The time is probably at hand when three new Ministries must be created; a Ministry of Health, a Ministry of Education, and perhaps (though on this point I speak with diffidence) a Ministry of Justice. The present day, however, is the day of Royal Commissions; that of Ministries is yet to come. More than one such commission is now inquiring into questions affecting the Public Health. The most important is that presided over by Sir Charles Adderley, which is considering the consolidation of our very complicated sanitary laws, and the completion of our system of sanitary organization. Those who are in the habit of paying attention to the connection between the growth of national habits and the growth of national language, will not have failed to notice the recent introduction among us of the phrase State Medicine, a phrase absolutely new to many of us, and perhaps still imperfectly understood by the general public. Let me, by way of giving an idea of what it is, quote the list of subjects which, as a Committee of the General Medical Council inform us, have been suggested as proper for the examination of candidates desiring to take out a diploma in State Medicine, and to enter the Public Medical Civil Service. They are: Forensic Medicine, Toxicology, Morbid Anatomy, Psychological Medicine, Laws of Evidence, Preventive Medicine, Vital and Sanitary Statistics, Medical Topography, and certain portions of Engineering Science and Practice. State Medicine, in short, as a member of the Committee well expresses it,

consists in the application of medical knowledge, and skill to the benefit of communities, which is obviously a very different thing from their application to the benefit of individuals in private or curative medicine. We are all of us aware that medical men are continually being called on to perform public duties which lie wholly beyond the range of their private practice. They are called on to give evidence in courts of justice as to the nature of injuries, the causes of deaths, the sanity or insanity of individuals, the presence or absence of poisons, the wholesomeness or unwholesomeness of articles of food, of water, of the vapours occasioned by particular kinds of manufacture, and so on. They are or may be called on to act as coroners, as inspectors of the sanitary condition of workhouses, of prisons, of ships, of barracks, and of various public buildings. Their advice is required in relation to the purification of rivers, the drainage of towns, the regulation of burials, the repression of contagious and infectious diseases, both among men and among animals, quarantine, vaccination, and numerous cognate questions. In fact, it is difficult to assign a limit to the demands which the State might with advantage make upon the time and intelligence of a well-organised Medical Civil Service. These remarks naturally suggest two reflections. In the first place we seem to want a body of men able to withdraw themselves without inconvenience from the engrossing demands of private practice, and to devote themselves to the especial study of the public questions which require medical attention. To a certain extent, of course, it is desirable that all medical men should study those questions; and upon some of them it is necessary that they should be prepared to give opinions as cases arise. But the physical powers, even of medical men, are limited; and it is impossible that a doctor in large private practice, with all the anxieties which such practice necessarily entails upon him, should give to questions of a public character the time and consideration which their importance demands. In the second place, when we have got our Medical Civil Service, how are we to turn it to the best account? This is undoubtedly a question of great difficulty, and one which must lead us into other fields of inquiry, for it connects itself very directly with the whole question of local organisation, and of the relations between the central and the municipal authorities of the country. If we are to have an organised medical staff spread over the face of the land, some kind of local organisation will be required for it; the

machinery cannot be wholly worked from London. The solution of this problem will, I hope, be materially assisted by the labours of the Royal Commission now sitting under the Presidency of Sir C. Adderley; and, should it be solved satisfactorily, the result may be important in more ways than one; for a good system of local organisation for one purpose will greatly facilitate the establishment of a good system for other purposes. Few greater advantages could be conferred on England than a well-considered framework of local self-government, charged with the administration of most of those matters of which this Association takes cognisance,—of justice, of health, of education, of charitable trusts, and so forth,—subject to due control by the supreme central power.

I should have been glad, had the time permitted, to make some remarks upon the sanitary questions which have been raised in British India, and upon the measures which have been taken for the improvement of the public health there. But I should be tempted into too wide a field; and though I am well aware of the great interest which the members of this Association feel in all that relates to the social condition of our Eastern Empire, and of the personal labours there of one whose name I need not mention in the present assembly, for I am sure it is in all our hearts, I must exclude India altogether from the field of my observations.

I pass on, then, to the fourth head of your labours,—the Department of Economy and Trade. And here I find that you propose for special discussion the questions of the administration of the Poor Law, of assisted emigration, and of the condition of the agricultural labourer. These are questions of great magnitude, which I trust may be dealt with in a manner worthy of their importance. It must be borne in mind that discussions on questions of this kind are, as it were, addressed to a class of men very imperfectly informed as to the principles of political economy, very ready, as all men are, to believe those who tell them that they are not so well off as they ought to be, and therefore very liable to be misled if care is not taken to put the whole truth before them. I am far from advocating the doctrine that we should try to keep men contented by keeping them in ignorance of the possibility of bettering their condition. On the contrary, I believe that it is one of our first duties to our neighbour to inspire him with a desire to better himself and to point out to him the means of doing so. But in dealing with persons who are to a great extent ignorant of the real condition of their own class as compared with that of other

classes who see plainly enough their disadvantages, but are not equally alive to their advantages, and who are very imperfectly qualified to judge of the causes of their condition, or of the value of the remedies put before them, I think it is but reasonable to suggest to those who are addressing them that they should be very cautious how they dogmatise upon questions of great delicacy and great intricacy. The inquiry into the condition of the agricultural labourer, and into the means of improving it, cannot be made complete without extending it to the investigation of the general relations between capital and labour in this country and elsewhere,—a large subject upon which I will not now enter. Confining myself to the narrower question, I would in the first place observe that in estimating the agricultural labourer's relative position in the labour market we must not take the amount of the money wages paid to him as the single test of his well-being. A man who earns a pound a week is not necessarily twice as well off as a man who earns ten shillings. You must take into account the amount of work which they respectively have to do for the money, the number of hours they are employed, the amount of strain upon the body and on the brain, the chances of accident, the general effect upon the health and upon the duration of life. I need not dilate upon this topic, but I am compelled to remind you of it because I observe that it is too often left out of sight, and that those who are loudest in their commiseration for the agricultural labourer forget that his life is longer and his health better than those of his manufacturing brethren. I pass from it, however, because I do not wish you to suppose that I desire to paint a rose-coloured picture of the condition of the agricultural labourer, or to conceal my own conviction that it is one which admits of and demands improvement. What I desire is, that you should apply to it a proper and a reasonable standard, that you should then calmly inquire in what respects it falls short of that standard, and should investigate, without passion or prejudice, the causes and the remedies. Let me place before you what I understand to be the reasoning of certain persons on this question. They say the agricultural labourer gets lower wages than he ought to get; this is because the supply of agricultural labour is in excess of the demand for it; the inconvenience must be remedied by reducing the supply; that can only be done by promoting the emigration of the labourer to places where he would find his labour more wanted and better paid; in the natural course of things the labourer would find this out for himself and would transfer himself to the

more profitable market: but he is prevented doing so—first, by the actual operation of the poor laws, and secondly, by the effect which the system under which he has so long lived has had upon him, for it has prevented his acquiring the means necessary for emigration, and it has reduced him to such a low condition that he has neither the sense nor the spirit to go and seek his fortune even if he had the means. Therefore, it is urged, the State ought to look to the matter, to alter the obnoxious poor law, and to give direct assistance to emigration. Now there is some truth, though mixed with some exaggeration, in this line of argument. It cannot be denied that there are many cases in which an active, skilful young labourer might do very much better for himself by carrying his labour to a less over-stocked market. Neither, I think, can it be denied that the habits engendered by the old system of the poor law have had a great share in producing the unwillingness to remove from home which characterises so large a mass of our agricultural population. Whether that unwillingness is so absolutely a proof of brutish stupidity as some of our restless counsellors represent it to be, I take leave to doubt. There is a good deal more of natural shrewdness among our peasantry than superficial observers give them credit for; and if we could gain their confidence, which is by no means an easy thing to do, we should find that in a large number of instances their reasons for staying at home on low wages rather than go far a-field in search of higher, are much stronger than we are apt to believe. But admitting, as I do, that the younger and more active might, with advantage to themselves, emigrate more largely than they do, it still remains a question whether the State should aid them in the matter. It should, no doubt, as far as possible remove any artificial obstacles which impede their freedom of action, and should take care that every one has fair play; but to give an artificial stimulus to emigration, for the purpose of reducing the supply of labour in this country, appears to me to be a policy not hastily to be adopted. The business of farming is like any other business, and must be subject to the same general conditions as the business of cotton-spinning, ship-building, or machine-making. The farmer is a manufacturer of food, which he raises by the application of his skill and his capital to the land. If he is to conduct his business at all, he must contrive to conduct it to a profit. For this purpose he must economise his outlay; he must spend no more than is necessary to produce his result; he must not buy costly implements if cheaper ones will do equally well; neither must he employ more labourers.

than are sufficient to do his work ; nor can he afford to pay them more than their work is worth. If then a philanthropist were to go to a farmer and say "Your wages are too low ; you are giving your men only 10s. a week, and you ought to raise the amount to 15s.," the farmer would reply, "If I am to add 50 per cent. to what I pay for my labour, and am to get no better return than I get now, I shall be ruined ; and I don't see why I should ruin myself to please you." The answer to this, of course, is that he need not be ruined, for that by paying his labourers better he would get more work out of them ; that ten men, at 15s. a week, would do as much work as fifteen men at 10s., and would cost no more ; and that, if he were put to it, he could find many ways of making up for the loss, he would in the first instance sustain by the rise of wages, as, for example, the introduction of more machinery and the diminution of the number of hands by that means. Upon this the farmer might naturally ask what, if he followed this advice, and reduced the number of his men, increasing at the same time the rate of wages of those whom he retained, would become of those whom he discharged, and who would of course be those whose services he found the least valuable ? They would, indeed, find themselves in a very inconvenient position. For many of them emigration would not be an available resource, for it is the best and not the worst labourer who will succeed as an emigrant. They would remain at their homes, but instead of getting regular work they would have to take such odd jobs as might offer themselves ; some of them would be supported by their younger relatives out of their increased wages ; others would become chargeable to the parish, and the farmer would find one effect of his change of system to be an increase in his poor-rates. This, I apprehend, would probably be the effect of a sudden change of the nature described. Like other sudden changes, it would be productive of much temporary inconvenience and suffering, and the inconvenience would fall mainly upon the weakest portion of the community. But the farmer might go on to put another question. He might ask, what security he should have that by paying his labourers more he should get more work out of them ? It may be perfectly true that he cannot get more out of them unless he pays them better ; but it is by no means equally obvious that by simply paying them better he will get more work in return. You cannot buy as good a horse for 20*l.* as you can for 50*l.*, but you don't make the 20*l.* horse a bit more valuable by insisting on

giving 50*l.* for him. This then brings me to what seems the cardinal question—how can you improve the quality of the agricultural labourer so as to make his labour really more valuable than it is? If you can succeed in making it so, and in convincing both himself and his employer that it is so, you need give yourself no more trouble as to his finding a proper market for it. And, as the process of the improvement would necessarily be gradual, you need have little fear of those inconveniences which attend a sudden change and a sudden displacement of labour. Now, for the improvement of the agricultural labourer you want two things—you want to raise the standard by which he measures himself, to teach him to aim on behalf of his children, if not on his own behalf, at something higher than he has hitherto been content with, and to place within his reach the education and training necessary to enable him to reach that standard, if fair play is given him. That is one thing which you want; the other is, that he should have fair-play; that his work should be paid for in such a manner as to make it his interest to do his best, that he should be encouraged to form habits of diligence and of independence, and should be made to feel that his destiny in life is to a great extent under his own control. You want, in fact, to operate upon the individual, and to make him work out his own improvement. This is a task not only wholly distinct from that which the advocates of artificial systems for the wholesale elevation of the labouring class propose to themselves, but one which in practice will often be found antagonistic to them. Those who are interesting themselves in the improvement of the condition of the labourer may, I think, be divided into two schools. The one is animated by the spirit of the Trades' Union, the other by the spirit of piece work. The one would work through the class, the other through the individual. I take my side with the believers in piece work. Not that I dispute or doubt the reasonableness of such an organisation of labour as is sufficient to protect the individual labourer against the possible exactions of the capitalist; if Trades' Unions or Labour Unions could be confined to that object they would be deserving of respect and of sympathy. But when they go further and demand of their own members that they should limit their individual exertions so as not to produce more or to earn more than their fellows, they introduce a principle at once unjust and dangerous. There is no saying what injury they may not thus inflict upon their neighbours; there is no saying even what injury they may not inflict upon

their country by restricting the development of its industry, and possibly driving out of it branches of business essential to its prosperity. The theory of co-operation is indeed a beautiful one ; but it seems better suited to the Republic of Plato than to the atmosphere of this work-a-day world. It will no doubt commend itself to those who abhor what they call privileges, who prefer equality to liberty, and who look to the State to exorcise the evils of the inequality which Nature has unhappily inflicted on the human race. This is the theory which finds its latest expressions in the proposal of one of the Societies represented at the late National Labour Congress at Philadelphia, " that when an employer refused to make an advance in wages or a reduction in the hours of labour, the State should employ such workmen." I presume that in such case the workmen would both fix the amount of wages they would like to receive and name the amount of work they would like to do in return, leaving the taxpayers to make up the difference between the two sides of the account. It is a theory which may well find advocates. But to many of us, I hope to the majority of us, individual freedom and fair competition are the very breath of our nostrils, and long may it be ere we are deprived of them. What I have said of the artificial system of the Trades' Union applies, I think, at least in a degree, to the artificial system of assisted emigration directed to the diminution of the supply of labour. I do not believe that in this country there is a real surplusage of labour. Population advances very much less rapidly than does the accumulation of capital ; and were it not for the very rapid increase of machinery our labour supply would now be extremely deficient. It might very easily happen that by the injudicious encouragement of wholesale emigration we might drain the country of its strength and drive away employment to other lands, just as we might do by an injudicious attempt to force up the rate of wages beyond the natural level. England holds a very high position in the industrial world, but it is one which rests upon a somewhat narrow basis ; it is one which it would be comparatively easy for her to lose, but exceedingly difficult, if not impossible, for her, if she once lost it, to regain. I look, then, for the improvement of the condition of our labourers generally, and of that of the agricultural labourers among them, to the free play of individual competition under favourable circumstances, rather than to any artificial remedy. But do those favourable circumstances exist? Has the agricultural labourer really fair play? Has he

the opportunity for raising himself? Has he the inducements to exert himself? I fear we cannot give a wholly satisfactory answer to these questions. I cannot doubt that the system of the Poor Law, taken as a whole, has exercised and still exercises a deadening influence upon our labourers, or that it tends greatly to neutralise the wholesome spirit of competition and self-reliance which it is so important to arouse. It is a system which could not be summarily set aside, without serious hardship and injustice; but it is a system from which it should be our endeavour as far as possible to teach our labourers to emancipate themselves. Nor is such emancipation visionary. The machinery of the law must of course be retained; there will always be plenty of cases of unavoidable suffering to be relieved by it. But if the labourer be trained in his youth to recognise the duty of laying by a provision for his old age, if he be early taught prudence, and foresight, and self-denial, and if at the same time the means are provided him of investing his savings with perfect security, which he has now great difficulty in doing, a great step might be taken in advance; and if his employers be brought to see the wisdom of so regulating his wages as to enable him by additional labour to earn additional remuneration, and so encourage him to increased industry, the heavy weight of pauperism which now oppresses the energies of our people might to a very great extent be shaken off. The means for commencing this are not far to seek. The Government may develop the beneficent system of the Post-office Savings' Banks, for which we are so largely indebted to the present Prime Minister, and may protect the labourer from that great evil which is the cause of such frequent sufferings to him—the loss of his savings in ill-managed or fraudulent sick clubs. The employer may make more use than he now commonly does of the great engine of piece-work; and the landlord may co-operate with him by the improvement of his cottages, and by the extension of the garden allotment system. It has sometimes been said that the peasant's pig is his Savings' Bank. His bit of garden might be a still more effective one, especially if his family be such as to enable him to turn his childrens' labour to account in it. He might often escape the necessity of taking a child away from school for the sake of the trifling wages which it is wanted to earn for the family, if he could find it some profitable work in his own garden between the hours of school attendance. Whether the peasantry of England would gain any real advantage from an attempt to convert them into the owners of land is, I think,

very doubtful; but there can be no doubt that it is of great advantage to them to be enabled to occupy small allotments of land at a moderate rent. With this advantage and with proper sanitary arrangements, such as are now in progress or in contemplation, with somewhat greater facilities for obtaining a suitable education for his children, with sufficient openings in the way of piece-work for those who can and will undertake additional labour, and with fair chances of investing his savings securely, the English agricultural labourer would have little to complain of in his lot, even though the nominal rate of his ordinary money wages should continue, as at present, extremely moderate.

There is still a topic connected with your programme of proceedings on which I must say a few words. You propose to hold a conference of ladies; and I do not doubt that there are among my present audience many who look forward to attending it. With all my heart I wish them God speed. We hear enough now-a-days, perhaps even a little too much, of women's rights. I am not quite sure that those who constitute themselves their especial advocates go to work in their cause in the wisest way. It seems to me that women have to a great extent their destinies in their own hands, and that the attainment of their rights depends mainly upon the recognition they can obtain from society of the importance of their duties, and of the manner in which they discharge them. When one considers how much they might do for the promotion of our social interests, what great opportunities they have, and how imperfect is the use they make of them, it is impossible not to admit that there is a sad waste of woman power amongst us. The shortcomings of some are indeed atoned for by the brilliant examples which are set by others; but I am not speaking either of conspicuous shortcomings or of brilliant examples; nor is my complaint a complaint directed against individuals; it is rather against the system which fails to instruct women rightly in the use of their great natural advantages, and which fails to give them fair play when they are desirous of turning these to account. Men should be made to feel, that not women alone, but society at large, are losers by this failure. I will not take up your time by dilating, as I might do, on the importance of woman's social influence, either within her own domestic circle or immediately around it. It is one of the subjects on which every one is fond of speaking, though we often seem to forget it when we are considering questions having a close bearing on the development of the female character. What I am now rather bound to speak of is, the importance of the prin-

ciple which the Association is by this conference enunciating: that, if we are to examine social questions aright, we must approach them from a feminine as well as from a masculine point of view. Nothing militates more against social reforms and improvements than onesided and imperfect views, such as well-meaning and enthusiastic reformers are very apt to take up: nothing assists them more than the collation and comparison of distinct and independent views. Now women, as a rule, are pretty sure to look at any question differently from men, and to import new elements of consideration into it. In examining social questions in particular, they have several advantages over us: they are keener sighted; they have quicker sympathies; they realise better than we do the importance of little things; and they are often able to gain the confidence not only of women and children, but of men, too, in a way which we cannot attain. It is, therefore, matter for congratulation that we are likely, on the present occasion, to have the advantage of their advice and assistance with reference to the many questions of interest which I see by the programme they are to have brought before them.

May I be permitted to call their particular attention to one important matter, not included in the programme, and which has indeed been brought under public notice since it was prepared, but which seems to demand early consideration? I take for granted that every one present has either read or heard of the melancholy accounts given in the public newspapers of the cruelties practised in some of our cattle transports, and the sufferings of our domestic animals in conveyance both by sea and land. I take it equally for granted that you are all aware of the appeal which Miss Burdett Coutts has so earnestly and so seasonably made to "all persons engaged in teaching, in whatever rank of life," to consider whether some plan cannot be adopted for inculcating in a definite manner "principles of humanity towards animals, and a knowledge of their structure, treatment, and value to man." The question of the treatment of animals is one of great importance from various points of view. As a sanitary question it is of the first consequence; for it seems probable that the national health may be seriously affected by the prevalence of diseases, engendered by ill-treatment or mismanagement, among the animals which furnish our supplies of meat and of milk. As an economical question it is of equal importance, bearing as it does on the profits of the agricultural classes, and on the price of meat and animal produce to all who consume it. I have little doubt that, as it has already attracted, so it will continue to command, the attention

of the Government and of Parliament. I do not doubt that, if we get a properly-organised Sanitary Department, a strong effort will be made to check the mischief which it is feared is going on. Nor do I doubt that the Education Department will lend its countenance to any feasible plan for promoting the study of animal physiology. But if any real step is to be taken in the direction indicated by Miss Coutts, namely, the inculcation of principles of humanity towards animals, it must be taken with the aid and through the instrumentality of women. It must be by the early training of the young, not only in the school, but still more at their own homes, that this work must be done, and women, perhaps I should especially say mothers, must in the main be the doers of it. Legislation may be needed; but, as the Roman poet long since taught us, *nil leges sine moribus vane proficiunt*: legislation will be in vain without an improvement in our manners; and the improvement of manners is essentially a domestic question. Humanity, like charity, must begin at home.

Ladies and Gentleman,—I cannot help thinking that this short Latin motto might be very appropriately taken as the watchword of our Association. Viewing, as I do, with some distrust the growing tendency of the age to seek in legislation, and in the intervention of the State, for the attainment of every blessing and the prevention of every evil, I desire to see a vigorous effort made to counteract the effect which such leaning upon legislation might have on our national character, by impressing earnestly upon all classes of our countrymen the incalculable value of individual self-reliance and self-help. It would be foolish and even wrong to neglect the great advantages which we may derive from the judicious employment of the central machinery of Government in many even of those matters from which it was once an article of the national creed that the Government should be jealously excluded. But our employment of State agency should be limited, I think by two considerations. First, we should consider, how far by intrusting the Government with secondary functions we run the risk of hindering or embarrassing it in the discharge of its primary functions; how far, by making it our agent for economical, commercial, or social purposes, we place difficulties in the way of the proper performance of its political duties. It would be a very questionable gain if, for the sake of getting our Railways more economically managed, or our Municipal affairs better regulated, we were to infuse into our Parliamentary Elections, and through them into the selection of our Political rulers, a

spirit of commercial jobbery, or to trammel the march of our Imperial Policy by the necessity of conciliating local interests. Secondly, we should consider whether, by throwing upon the State, responsibilities which we ought to undertake as individuals, we may not detract something from the energy of personal character which has done so much to make our country what she is. I do not wish to close my eyes to our shortcomings; I do not wish to enrol myself among the blind worshippers of the British Philistine; I do not deny that we have been led by a spirit of insular pride and insular prejudice to undervalue the lessons which some foreign nations might have taught us as to the advantages of a more perfect organisation and of a more systematic development of our resources, or that we are suffering for our neglect. I do not doubt that we have much to learn, and much to do, in order to keep, perhaps in some respects to recover, our place among the nations. But while we are bent on improving our machinery let us take care that we do not weaken the main-spring of our greatness. The proud position of England is due not to the accident of circumstances but to the character of her people. If she derives advantage from her mineral wealth, it is because her sons have known how to turn it to account; if she is the home of manufacturing industry, it is because the ingenuity and the perseverance of her sons have made her so; if she holds the Empire of the Seas, it is because her sons have won it for her. She enjoys, it is true, the blessings of a noble Constitution; but it is a Constitution of which the merit lies less in the framework than in the spirit by which it is animated. It has, indeed, undergone many changes; men say that it has been destroyed over and over again: none would venture to predict through how many more of such destructions it is destined to pass. But the spirit of her people remains unbroken, and in that unbroken spirit there still lives the greatness of England. Legislate as you will,—organise, educate, develop the advantages of co-operation; economise labour, show how skill may be made to do the work of strength; but amidst all your improvements bear one caution steadily in mind.—Beware of destroying or of enervating the individual energies of Englishmen.

Address

BY,

GEORGE WOODYATT HASTINGS,

BARRISTER-AT-LAW,

ON

JURISPRUDENCE AND AMENDMENT OF THE LAW.

AMONG the branches of Moral and Economical Science which this Association pursues, Jurisprudence has been justly assigned the first place, inasmuch as all the leading subjects with which they deal must ultimately find their expression in Law. No Session of Parliament, perhaps, is held without some positive enactment on each one of the great divisions of social polity from which our Association derives its nomenclature. Health, Education, Commerce, the relations between Labour and Capital, the various questions of human convenience and well-being that we group under the head of Social Economy, are all continually adding their contributions to the Statute Book. Legislation, in a free country, is the immediate expression of the popular will; and the more completely it is so, the more safe and beneficial it is likely to be. For the impulse of a nation, unless in its most evanescent moods, is to work in accordance with the absolute necessities of the age. The impulse may often be blind, or even unconscionable, but it is not the less unerring in its aim, for the necessities out of which it springs are the silent, enduring forces of Nature, as constant in their operation as those which, in the course of ages, can waste a continent and silt up seas. Doubtless, these social forces, guided by the Supreme wisdom, are at work in every nation in all periods of its history, disintegrating the old, and building up the new, doing their daily work of change and renovation, though as unheeded as the wave which beats upon the shore, and in its beat of centuries rolls away a line of coast. It is the province of Social Science, in its more abstract labours, to investigate the origin and nature of the motive powers which

thus act and react upon society; but it has also a more practical field, where it often deals with art rather than with science, but which is none the less scientific in its real character. This practical work is to adjust the machinery of society so that it may move in harmony with the great necessities that impel its progress, with the wants and aspirations of the people; and this adjustment can be effected only by the instrumentality of Law.

Let me explain myself further. The whole material universe, so far as we can observe, is self-regulated. The stupendous mechanism of the stellar and planetary systems works without a flaw in its perpetual motion; the forces appointed to vary the surface of our earth by its constant destruction and renewal, operate without fail for ever; plants grow and fructify with the regularity of the seasons that produce them; animals instinctively fulfil the functions assigned to them by their Maker. But when we come to man, we find a change. A moral element has supervened. The free will, which is the grandest heritage of the race, has opened the floodgates of evil as well as the infinite possibilities of good. The actions of mankind, and the consequent development of society, do not spring from the spontaneity of mechanism, but from the intellect of choice. His destiny is so ordered that invention is a necessity at every stage of his progress, and each step that is gained brings some new obstacle to task his energy. Human society has to win its way through toil, privation, and disease; civilisation slays its tens, and finds only that it has its hundreds to cope with; and these manifold evils that grow so persistently with the good fruits of man's companionship have to be repressed, where that is possible, or regulated, if they cannot be repressed, by the strong arm of the law. Men congregate in close community, and in the rapid interchange of thought and the varied reciprocity of labour, arts flourish, and intellect expands, and knowledge is increased; but then density of population breeds disease, vice grows from contact, destitution stands in ghastly proximity to accumulated wealth. Society, led by its best and wisest, struggles to abate the evil its own action engenders, to clear the stream of its progress from the more turbid elements, and hence the continuous enactment of laws to regulate, repress, and reform. The question how best to frame the rules thus prescribed by the supreme authority of the community, how to secure the least evil with the greatest good, how to reconcile the largest liberty of the individual with the least damage to the public need, how, in fact, as I said before, to adjust the machine of society to the inexorable necessities of

its existence—that is the great problem to be solved by the Science of Law. On the correctness of the adjustment, on the wisdom of the solution, depends the weal or woe of every people.

What, for instance, is the object of Criminal Law? Is it not to reduce crime to the minimum point, and thus provide the highest attainable security for life, property, and honest toil? No penal code was ever framed or administered without the intention of compassing this end, though none, it may be confidently affirmed, have ever obtained such a measure of success as is within the reach of a well-considered system. But the intention, however excellent, must fail more or less in execution, if either the law or its administration is ill adapted to its purpose. If punishments are merely vindictive, if an exaggerated severity beget a reluctance to convict, or a mistaken leniency abolish the certainty of sentence, if prisons corrupt without deterring, or enervate without reforming, if prisoners are dismissed as idle and thriftless as they came, or are turned adrift without help to find employment as they can, if old and young, the casual offender and the practised criminal, are treated with a stupid sameness, if a predatory class is allowed to wage war on society with no control and little molestation, if the police be inefficient, or prosecutions be ill-conducted, or the magistracy be incapable, then the Criminal Law, however well intended, will fail in its object, and the cry of the people for justice and security will remain unappeased. It is not too much to say that every one of the evils enumerated have before now existed in this country, and some of them exist still. Here, or elsewhere, they are simply the result of a want of scientific investigation, and could be wholly eradicated by a proper adjustment of means to the end required.

What, again, is the object of Civil Procedure? Is it not to arrange, as quickly and conveniently as may be, the differences that crop up so plentifully among the individuals of a community as to their property, their bargains, and their rights? Is it not to substitute civilised justice for barbarous quarrel? Is it not to guard the interests of the needy, the helpless, and the unlearned against superior craft and power? But, if the process be complicated and costly, if the courts be distant or intermittent, if “the law’s delay” break down the weary litigant, what becomes of the object of legislation? Juridical science is, therefore, needed, to prevent procedure from failing of its end; nor is there any branch of legal acquirement in which the neglect of science is more inexcusable. For the course of procedure is a mechanical opera-

tion, and is capable of being exactly fitted to its work. On matters of substantive law opinions will vary, according to race, climate, political institutions, and a score of other influences; and men, for example, will probably dispute to the end of time what is the best law of inheritance, and what the best law of marriage. But given the result to be achieved, and it is as certain that you can discover the best kind of procedure as that you can point out the best steam-engine. The Science of Comparative Jurisprudence could bring together all the procedures of the world, place them side by side, examine into their several excellences, select the eligible portions of each, mould them into an harmonious whole, and frame a code of civil procedure, applicable to every form of litigation, and absolutely the best in existence. The scientific adjustment I have spoken of would be omnipotent here.

But, once more, what is the object of Positive Law? Is it not to acquaint people with their rights and duties, to define the limits of State prerogative and individual freedom, to point out the path of truth and justice among the various relations of life? But if the voice of the law give an uncertain sound; if it be unequal in its provisions, lavish of privilege to the rich, and dealing out injustice to the poor; if it legalise iniquitous temptation; if it prefer the luxury of a class to the virtue of a people—how can it teach righteousness or enforce respect? Nay, if it be purged of every wrong, but still its form be scattered and confused, how can it fulfil its mission to the community? When the question is asked—What is the law? and the answer is to point to rows of shelves, groaning with hundreds of volumes, that teem with thousands of decisions, with one-third of which no living lawyer is acquainted, is it not a mockery to speak of the law as an exposition of rights and duties to the people? Yet that mass of chaotic fluidity, which resembles nothing so much as what astronomers call an unresolvable nebula, could be moulded, under the creative hand of science, into a compact and luminous code, the reflection of the national spirit, and the object of willing reverence to its justice and wisdom.

It being, then, a certain truth that Law must be scientifically adjusted to the ends it aims at, or else fail more or less in its avowed objects, the business of this Department, as its contribution to the great Science of Society, is to inquire how far our jurisprudence is in accordance with the exigencies of the age, and to suggest any needful improvements. We may consider it, if we will, in its widest range, as affecting the whole human race, and may listen to the eloquence

of our fellow member, Mr. David Dudley Field, propounding his scheme for a Code of International Law, or discoursing on the Community of Nations; but our more immediate aim, as a national body, must be to deal with the laws of our own country, and to these I shall confine myself.

Nothing can be more useful on these occasions than to take stock from year to year, and to note how far any mischiefs we have pointed out have been remedied, and what suggestions made by us have been found fruitful. Looking back to the twelve months which have just elapsed since our last meeting at Birmingham, we have every reason to congratulate ourselves on the results attained. The two measures which were then prominently noticed by the Council—the Evidence Bill, and the Bill on the Property of Married Women—were both introduced into the House of Commons at the commencement of the session. The former has, with slight alterations, passed into law, and we have the satisfaction of knowing that, so far as civil procedure is concerned, the parties to every suit are now admissible as witnesses. The principle, long ago enunciated by Bentham, first placed on the Statute Book by Lord Denman, and subsequently so widely carried out by Lord Brougham's Act, has now been enacted in its integrity. Henceforth interest in the suit, even of the closest kind, will be no impediment to testimony in any civil action. It remains for Mr. Denman, to whom the thanks of the Association have been given for his successful conduct of the measure, to vindicate the entirety of Lord Denman's preamble by a measure extending to defendants in criminal cases the privilege of giving evidence in their own behalf. On the second reading of the Bill, Mr. Amphlett, Q.C., whose experience as a judge of Quarter Sessions makes his opinion doubly valuable, spoke in favour of this extension; and it cannot be denied that the same arguments are applicable to criminal as to civil cases. In both, the inquiry after truth must be facilitated, and the ends of justice be furthered by hearing the witness who knows most about the matter in issue; and the chief difference seems to be that to shut the mouth of a prisoner is the greater hardship, seeing that it is his life or his liberty, and always his character, which he has at stake. The words which I remember being used by Mr. Serjeant Parry, some years ago, in defending a well-known murder case, recur to my mind; they were spoken of the anomaly, since removed, which forbade the counsel for the prisoner to sum up his evidence to the jury; but they are equally applicable to the point under consideration. "If this," said the learned serjeant, "were a case of a ten-pound

note, or a bill of exchange; if this were a case of goods sold and delivered, goods bargained and sold, work and labour done, or money alleged to be due upon an account stated; nay, even if this were a miserable squabble between a hack cab and a dust cart, as to the amount of damage done to either, I should be permitted to sum up the evidence for the defence; but it is simply a question of life and death, and the law of England bids me be dumb." Surely if on every summons to a County Court, and in the paltriest civil action, we allow the defendant the privilege of testimony, we should not deny to the man on trial for his life the opportunity of explaining a suspicious fact or of contradicting an adverse witness. All the arguments that we hear against the change seem to be urged in the interest of the guilty. I confess that my sympathies are with the innocent, and we may trust that Parliament will soon permit their voices to be heard in the witness-box. With respect to the offence of perjury, above all, the present law is a crying absurdity. A is put on his trial, and B gives evidence against him. A's mouth is closed, B has it all his own way with the jury, and A is convicted and sentenced. As our criminal law permits no appeal on the facts, A's sole resource is to indict B for perjury. A then tells his tale, B's mouth now is closed, and another jury, who never heard his evidence, find B in his turn guilty. A's innocence is considered to be established, but, after all, what does it come to? Why, that each jury has heard only one side of the case, and each finds a verdict on *ex parte* testimony. No conclusion can be more impotent, and I venture to think that few rules can be more unsatisfactory.

The Married Women's Property Bill, which was originally introduced by Mr. Shaw Lefevre on behalf of our Association, had been favourably reported on by a Select Committee of the House of Commons in 1868. At our last Congress a paper was read by Mr. Hobhouse, Q.C., which fairly routed the objections that had been raised, and won a unanimous vote in favour of the re-introduction of the measure. We lost the invaluable services of Mr. Lefevre when he took office in the present Ministry, but the Bill last session was successfully conducted through the House by Mr. Russell Gurney, Recorder of London, to whom its friends and supporters are signally indebted. It was subsequently read a second time in the House of Lords on the motion of Lord Penzance, and the principle of the measure is admitted, though there may be differences as to the details. No one can seriously think that marriage ought to operate as a confiscation of the wife's personal property, or that the husband has

a divine right to appropriate everything she earns. (But, as usual, people argue from the circumstances immediately around them, and because the fortunes of their own wives and daughters are secure, the upper class sometimes fail to appreciate the object of the Bill. A venerable ex-chancellor has denounced the measure as 'a social revolution, and evidently believes that settlements and equity suits are the true panacea for the wrongs of wives.' The serenity of exalted station has always been remarkable. A Princess of France was surprised that people should die of hunger when they had such nice buns to eat; and a law lord naturally wonders that washerwomen and sempstresses are deprived of their savings when they have such a nice Court of Chancery to go to. But we humbler mortals are aware that the Court of Chancery is indeed open to every one, but open, as was once said, in the same sense as the London Tavern—open to those who can pay for it. Our jurisprudence is on this point subject to the heaviest reproach that can be made against law; it is unequal in its dealings; it has one measure for the rich and another for the poor. The wealthy heiress enjoys the multitudinous protection of family solicitors, conveyancing counsel, an array of trustees, deeds of settlement, anticipation clauses, and separate accounts, with the luxury of a Chancery suit looming in the background; the poor woman of the weekly wage or lower middle class, to whom her little pittance, often scraped together with hard toil and self-denial, is surely at least as valuable, is left to the tender mercies of the Common Law, which reverses the language of the marriage service, "with all my worldly goods I thee endow," and endows her husband with every shilling she has saved or may earn, though he spend it in the pothouse, or fling it to the mistress with whose presence he insults her. It is marvellous that such iniquity should yet remain the law; but more marvellous still that people should be found to defend it, on the plea that to do bare justice to the wife would abolish the sanctity of the marriage tie. A member of the Commons' Committee asked a witness in my hearing in what respect the contract of marriage, if the wife were allowed to retain her own property, would differ from concubinage? What an edifying idea of holy matrimony is suggested here. If you are just and honest, and leave the woman her own, then she must be a mistress. Strip her of every farthing she possesses, and she is graciously permitted to be a wife. According to this light the definition of marriage must be "concubinage coupled with robbery." Let us repudiate the immoral falsity! The true sanctity of

the marriage tie, the union of heart and soul, stands wholly apart from pecuniary relations. Let us vindicate its value, bond and safeguard as it is of all social welfare, by unceasing efforts to cleanse the law of England of this blot on its purity and justice.

The passing of the Bankruptcy Act must be a subject of sincere congratulation, not merely as a settlement of a question which had become the *bête noire* of law reformers, but because the principle of the measure is identical with that prepared by this Association some twelve years since. It was our Committee which first recommended the adoption of the leading features of the Scotch system of bankruptcy as the true remedy for the evils so loudly complained of. We then pointed out that the custom of merchants is the golden rule to follow in mercantile legislation, and that as trade creditors nearly always preferred a private arrangement as the readiest means of getting in and distributing an insolvent's estate, it followed that the law and the procedure of the Court should be assimilated to the method which merchants had found to their taste. Our Bill, it is needless to say, did not pass into law (though it was twice read a second time in the House of Commons), the then Attorney-General having declined to carry it. In truth, the two draughtsmen who prepared it, though able lawyers, who have both since risen to the rank of Queen's Counsel, fell into a grave error, or, I should rather say, committed a grievous crime; they made no provision for any increase of patronage. Not a salary was raised by our Bill—not a place was created; a mistake which was certainly avoided by the authors of the measure which superseded it—the Bankruptcy Act of 1861. It is satisfactory to know that the enactment of last Session has both vindicated our principles and followed our example. The costly machinery which should never have been created will soon be swept away; creditors will manage their own property by means of their own trustees, subject to judicial supervision; and a precedent has been set of resisting extravagant compensation for abolished offices. This is of good augury for the future of Law Amendment. It has been the subject of only too just complaint that nearly every change in the law has been made the occasion for lavish expenditure. It is imperative for the public interest that the administrators of justice should be adequately, and even handsomely, paid; but it is equally imperative that not a shilling which can be properly saved should be taken from the struggling industry of the country, that the law, like every other branch of State service, should be organised as economically as efficiency will

allow ; and, above all, that the money paid should be for work and not for leisure.

There is no question on which the efforts of the Association have been more successful than that of the Treatment of Criminals. Continually since our first Congress, and especially since our meeting at Dublin in 1861, when our members had the opportunity of visiting the Mountjoy prison, and that remarkable establishment, the intermediate prison at Lusk, we have advocated the introduction into Great Britain, and the complete developement of the Crofton system. I call it, as it ought to be called, after its distinguished founder, whom at this meeting we are able to name as the Right Honourable Sir Walter Crofton, raised to the rank of Privy Counsellor by the Irish Government in recognition of his invaluable services. Guided and instructed by him, the Association has repeatedly affirmed the true principles of convict discipline ; the individualising of the prisoners, the division of the term of sentence into several stages, of separate confinement, of associated labour, of intermediate probation, and of release under supervision, through which the convict rises by a system of marks in exact proportion to his good conduct and industry, and in any one of which he can be at once relegated for misconduct to the bottom of the scale. When in 1863 the Association made a vigorous and successful protest against the renewal of the wasteful and pernicious system of Transportation, the Council urged the introduction of the Crofton system into Great Britain as the best safeguard against the criminal class. We have had the satisfaction to see that advice followed, our convict prisons reformed thereby, and those discharged on license placed under police supervision. A good principle, once set at work, is always productive of more than its immediate fruit, and the beneficial results of the system suggested its further extension. At our last Congress at Birmingham, Sir Walter Crofton, speaking from the chair of the Reformatory Section, showed that the experience of four years had proved police supervision, so far as it had been carried, to have been a great success, but that its organisation was manifestly incomplete, and that, if we desired to make it a real defence against the criminal class, if we relied on it to face and grapple with the difficulties arising from the cessation of transportation, we must give to it a thoroughness and completeness not then realised. He proceeded to advocate the establishment of a central office for the registration of license holders, which should be in communication with the various police authorities throughout England, and, thus make super-

vision, uniform and effective. But, further, Sir Walter Crofton pointed out that this salutary control should not be confined to convicts, but be extended to all those who are criminals by habit and repute; in other words, that society should undertake its legitimate defence against the class whose livelihood it is to prey on honest industry. It would ill become us, at this Bristol Congress, to forget that this identical plan, as Sir Walter stated, was propounded in 1850 to the grand jury of Birmingham by Mr. Matthew Davenport Hill, who has lived to see his sound and statesmanlike principles admitted by the public and enacted by the Legislature; for the Habitual Criminals' Act of the last Session has, in fact, embodied the resolutions carried at our last year's Congress, and subsequently urged by a deputation from our Council on the Home Secretary. The Bill was unfortunately shorn of some of its useful provisions, and much will depend on the way in which it is worked. It may be doubted, for instance, whether the register would not be better kept in the hands of a more independent authority than the police—a point which, it may be hoped, will be duly considered, as the Act gives an option to the Secretary of State. But doubt there can be none that the measure is an immense step in advance, and that the gratitude of the Association is eminently due to Mr. Bruce, for the good fight with which he carried it in the teeth of many obstacles. Let me add that as the Act has increased, though not one whit more than is beneficial, the stringency of the penal law against habitual criminals, it is the bounden duty of the public to aid those who truly desire to quit their evil life, by a substantial support of Prisoners' Aid Societies and Refuges for discharged criminals.

As I have alluded to the excellence of the Irish convict prisons, allow me, before quitting this topic, to reiterate an observation of mine at our Belfast Congress—that since Ireland has made these a model for England and other countries, it would be well that her county gaols should also prove exemplary. I fear that this is at present very far from being the case, for in the forty-seventh report of the Inspectors-General of Irish prisons, published in August last, after reciting a state of things in the county and borough gaols and bridewells of Ireland which is very much to be deplored, the Inspectors-General state that there are no gaols in the West of Ireland, or in a number of the central counties, suited in their construction for carrying out an improved prison system, and that the inmates of these gaols, placed in association without adequate supervision, are in danger of becoming all equally corrupted. It may be hoped that the appeal made in the

report for legislation to cure the evil will not be disregarded.

Let us hope, too, that the exertions made for the same good object in the distant field of India will not be without effect. Stirred by the eloquent voice of Miss Carpenter, whose self-sacrificing exertions will always be honoured in this Association, and, never more than when assembled in her own city, we have more than once urged on the India Office the necessity for abating the frightful mortality and other evils that beset many of the Indian prisons. Our representations were received with great kindness by the late Secretary of State for India, whom we have now the happiness to welcome to the Presidency of our Association, and by the present Governor-General, who received a deputation on the subject just before he sailed, and who promised us that it should occupy his earnest attention. No one is more conversant with the Crofton system than Lord Mayo, and no one therefore more competent to confer on the great empire which he governs the benefit of gaol reform.

In summing up the discussion at Birmingham last year, Sir Walter Crofton said that the answer to the question, "What are the principal causes of crime?" must be, "Drink and bad company." The resolutions to which I have already alluded, advocating a more complete supervision over convicts by the police, and a strict control of habitual criminals, were aimed at the "bad company;" in another resolution the Section dealt with the "drink." It has been sometimes said that the subject is not sufficiently considered at our Congresses; but such a remark can only be made by those little acquainted with our proceedings. It has, in fact, formed a prominent topic at all our meetings, and at the Belfast Congress a Special Committee on Intemperance was appointed, which made its first report to the Council in the spring of 1868. One of the recommendations of the Committee was that the power of licensing should be placed solely in the hands of the magistrates, and the resolution of the Reformatory Section, to which I have referred, urged on the Council the necessity of promoting the adoption of this recommendation by the Legislature. We are happy to record that a measure for this end has been since enacted into law, and none can have watched the proceedings at the licensing sessions of this autumn without feeling that considerable good will result. But, having been the author of the Special Committee on Intemperance, and taken some interest in its discussions, I trust I may be permitted to say that the Act of last Session is not all, nor nearly all, that is urgently required. It is well, indeed, to

have taken the first step for the removal of that curse which the Beerhouse Act entailed on the country, but let us remember that this amendment of the licensing system is only a means to an end, and not the end itself. The object to be aimed at is the cure of, perhaps, the greatest evil that now afflicts our population. It has been said indeed, in answer to every proposal for legislative interference, that you cannot make men sober by Act of Parliament. Nobody has advanced that you can. It is no more possible to create temperance, in its true sense, by enactment than it is to create chastity, or honesty, or truth. But the point on which I submit that the law sins against the canons of Jurisprudence, as I have ventured to express them, is this—that it legalises temptation to vice. Speaking from the most moderate view of the question, putting on one side the total abstinence ideas, is it not certain that the number of licensed houses in the kingdom vastly exceeds the amount required for any purpose of reasonable refreshment? But is it not equally certain, argue how you will, that every house in excess of that amount is an indefensible evil? Yet it is an evil existing under the direct sanction of the Legislature, which, by professing to regulate the number, undertakes the responsibility that it shall not exceed the legitimate limit. Now, a good deal is involved in this question of number, for, as Mr. Barwick Baker said at our last Congress, a labouring man may get by two or three public-houses in his way home, but he will not get by seven or eight. The law, therefore, directly legalises temptation, and that is not a position in which the legislation of this kingdom ought to be left. Mr. Baker recommended that the duty on licenses should be doubled, that the next year it should be trebled, and so on, so as to squeeze out of existence a number of the houses. I am not surprised that any one who lives in the country should feel strongly on this question, for though the spectacle of town streets flaring with gin palaces may be more shocking, I doubt whether the moral effects are much worse than those produced by the multiplication of beerhouses in rural districts. It is to be observed, as appears from a report lately made to Convocation, that there are upwards of a thousand parishes in the province of Canterbury alone, which have no public-house or beerhouse. It would seem, therefore, that parishes can exist without these provocatives to religion and morality. The prohibition in these cases proceeds from the landowners, who find that the sobriety of the parish increases the value of the population; but it is certainly hard to find any argument for denying to the inhabitants themselves the privilege of a

restriction which is in the power of a single landlord. I entertain, however, considerable doubts whether the progress of the Permissive Bill, supposing it to be passed into law, would be nearly so rapid as its enthusiastic supporters believe; and I am myself in favour of some measure of stringent repression acting firmly, equably, and uniformly over the whole kingdom, rather than of sporadic efforts in particular localities. But it must be admitted that the friends of that Bill have a right to urge it as the only practical measure as yet before Parliament. The plea, that its provisions are against what is called the liberty of the subject, I hold as cheap on this matter as upon several others concerning which it is urged with a sort of parrot repetition. The liberty of the subject, in its true sense, is the noblest principle known to human law; misused as an obstacle to improvement, or as a shield of abuse, it is a cant cry which should be scouted by the intellect of the nation. To deny to a community the right of interfering with individuals in order to defend itself from mischief, is to refuse to it the first condition of existence. We, the people, that is, the State,—for in a free country the State is nothing but the embodiment of the people—have a right to defend ourselves from disease, moral and physical, and to lay down such regulations as we may consider advisable for the purpose. But the mischief, mark you, must be one to the community; it must be a public nuisance which is to be abated; and it is because I conceive that the inordinate number of licensed houses answers to this definition that I hold an Act based on the policy of suppression within the functions, as it assuredly is in accordance with the interests, of a representative Legislature.

I have dwelt so long on measures that have been achieved, or are in process of achievement, that little time remains to speak of much that deserves remark. Yet I cannot regret the retrospect; for it must be confessed that it is full of satisfaction for the past, and may inspire us with courage for the future. Let me, however, call your attention to a subject which perhaps demands the exertion of law reformers at this moment more than any other—I mean the appointment of a Public Prosecutor. It cannot be denied that the system of private prosecution is a remnant of that state of barbarism in which every man had to defend himself by his own individual efforts from attack and robbery. So far from the person who has been criminally injured being the most fit to perform the duty of prosecution, he is often, for obvious reasons, the very worst. “The injured party,” said the late Lord Denman, when giving evidence on this subject, “may be helpless, igno-

rant, interested, corrupt. He is altogether irresponsible; yet his dealing with the criminal may effectually defeat justice." This testimony was corroborated by a number of distinguished witnesses before the Criminal Law Commission, which reported many years ago in favour of the appointment of Public Prosecutors; and the evidence taken in 1855 before the Select Committee of the House of Commons, including that of Lord Campbell and the present Lord Chief Justice, went strongly in the same direction. The paper read before our Association in 1864, by Mr. Robert Stuart, Q.C., is an unanswerable statement of the evils arising from the present system, and of the ease with which the defect might be supplied. It is remarkable that both Scotland and Ireland have set us an example in this respect, there being a system of public prosecution in each of those countries, organized on different plans, but each productive of signal benefit to the community. It is within my knowledge that our colleague, Mr. Edwin Chadwick, who has ably opened up so many public questions, collected, some time since, in conjunction with Sir Charles Rowan, a large amount of evidence on this subject, which, unless I am mistaken, would go to prove the value of the Scotch system, as administered both by the procurators fiscal, and by the superior officers of police acting under their direction. This evidence has never been published—why, I am at a loss to understand—and is therefore unknown to the country. Any member of Parliament who is interested in law reform would render good service by moving that it be printed for the use of the House, and it is probable that much valuable light would be thrown on the question. But the evils of the present system, especially in the metropolis, need no illustration. The state of the Central Criminal Court, as described to me by a counsel practising there, is such as to deter any respectable person from prosecuting, and it is certain that those who have once had the misfortune to find themselves in that capacity within its precincts, will, as a rule, submit to any loss rather than go through such an ordeal again. I have received from a member of this Association, who is also a member of the Bar, and a gentleman of wealth and family, a striking account of the expense, trouble, and vexation to which he was put in attempting to bring to justice two thieves who had robbed his house. Little or no assistance seems to have been given to him by the officers of justice; his witnesses were bribed and brow-beat; and after a worry of months, and an expenditure of at least 30*l.*, he had the satisfaction of convicting one of the criminals, and of seeing the other acquitted by the jury. I shall request the attention of the Jurisprudence Depart-

ment, during the present Congress, to the details of this case, and they will, I imagine, agree that had my friend been a poor man, or had he possessed less courage and persistency, he would have abandoned all idea of prosecution. It cannot be doubted that many criminals thus escape justice.

But it is not only ordinary crimes which need the intervention of a Public Prosecutor. Offences of organised intimidation and coercion, which paralyse the action of individuals; offences by public companies, with whom private means can hardly grapple; those gigantic frauds which are the opprobrium of our generation, and the scourge of the more helpless members of society—all these can be adequately dealt with only by an independent official, armed with all the powers of the law. We are daily treated to revelations of the gross corruption which infests our borough constituencies, and the pressure applied by searching inquiry has brought out the fact that direct and unblushing bribery, if we are not to add conspiracy to evade its penalties, has been practised by men far above the social rank to which conventional belief has hitherto ascribed the crime. Why not place the duty of primary inquiry into the conduct of elections in the hands of an unbiassed officer, instead of casting it on the unsuccessful candidate, to whom it must always be burdensome, often distasteful, and by whom it may be compromised or misused? Why not, if I may go one step further, if I may assume that we are really in earnest in the desire to abolish electoral corruption, why not enact for the crime of bribery a punishment that will stamp it with the disgrace it deserves. In a letter which he wrote to me so long since as 1856, and which was then published in the *Law Amendment Journal*, Lord Brougham advocated this course, and quoted his own early success in putting an end to the Slave Trade by the Act which made that traffic a felony. I can quote another precedent. Some twenty years ago the forcible abduction of heiresses was a favourite pastime with the gentlemen of Ireland, and the hero of the exploit always received a tender consideration from the fair sex. It happened that an offence of this nature, under circumstances rather more outrageous than usual, was committed by a gentleman of some position, who carried off a young lady as she left the church on a Sunday, in spite of the outcries and resistance of her friends. He was arrested and put on his trial, and a romantic interest was excited in his behalf. When the day of trial arrived the court was crowded with the beauty of which the Green Isle is so prolific, and it was generally understood that the accused would either be acquitted,

or would, if found guilty, receive a nominal sentence. But the jury were upright, and the judge was firm. The prisoner was convicted, and was informed that he would be treated as the vulgar criminal he had shown himself, and undergo a considerable term of imprisonment with hard labour. The revulsion of feeling was complete; all romance vanished when the "gentleman" began to pick oakum; the Irish ladies ceased to pity him as soon as his hair was cut short. Better than all, this was the last of the abductions. The crime ceased the moment it became socially disgraceful. Should we be wrong in supposing that the same result would follow from a similar treatment of bribery?

Having thus called your attention, I fear with too great prolixity, to several subjects on which I conceive the law to be at fault, as being either opposed to justice, or out of harmony with the national spirit, or defective in its procedure; and having pointed out what progress we have made in remedying these shortcomings, I must reiterate, in conclusion, the need for a wide improvement in the outward form of our national jurisprudence. It must be cast into a condensed and accessible shape—call it code, digest, or what you will—before it can reach the intelligence, or minister to the wants, and consequently command the respect, of the people. Two objections are constantly urged to codification; the one, that it is opposed to free institutions; the other, that it would destroy the flexibility of the law. But if existing codes are despotic in their provisions, it is because they have been framed by despots. A code prepared under the auspices of a constitutional Sovereign, with the safeguard of a representative House, must needs embody not merely the material guarantees of our liberty, but what is far more important, the vital spirit of traditional freedom. No Englishman worthy of the name proposes any fundamental alteration in our law, which is as excellent in its general provisions as it is unapproachable in its principles. What we advocate is of form, and not of substance; to harmonise, not to destroy. As to flexibility, I demur to the proposition that it is any characteristic of the Common Law. On the contrary, the leading features of the law have remained through generations as inflexible as iron, and it is the Courts of Equity and Parliament which have effected the necessary changes. There is nothing in the nature of a code to forbid legislative change, which would, in fact, be facilitated by the condensation. We English are not likely to regard any such compilation with the superstitious reverence which Frenchmen show to the *Code Napoleon*, and Americans to their written Constitution. Each Parliamentary

Session would no doubt introduce new chapters or sections, or would amend the old; and periodical revision would keep the expression of law in accord with the wants of the people. Such a condensation, at least as regards judicial decisions, was recommended by Lord Penzance at our York Congress. A Commission has since been appointed expressly for this object, but it does not appear to make much progress. What is really needed for such an undertaking is not a cumbrous body of much-occupied dignitaries, but a small commission, say of three, whose whole time may be devoted to the work. I venture to suggest whether three of the Judges of our Superior Courts might not be induced to undertake the labour, commanding as they would, and in a measure that none else could do, the confidence of the legal profession and the trust of the public. Codification, consolidation, condensation—what matters the name given to it?—would then be effected in a reasonable time, in the most satisfactory way, and at a cost utterly insignificant when compared, I do not say with the moral benefits that would be conferred on posterity, but even with the absolute economy of time and money that would thus be secured to the nation.

In such a consummation every true lawyer must rejoice. It is not for us to narrow the principles of justice into the shallow mysteries of a caste. It is not for us to resist changes which are in the order of nature, and for the interests of civilisation. Law in its proper sense is the mirror of a nation's mind, and the voice of a nation's will. Stereotype its rules, while thought and habit and life are fused into new forms around it, and it becomes the dry and barren channel from which the waters have departed that alone gave it beauty and use. The besetting error of every profession is to encrust itself with formalities, and thus lose sympathy with the public. From this weakness the jurist, even in free England, is not exempt. The real antidote to the failing is to found all legal usage, and to administer all legal procedure, on the maxim which, I trust, will ever be the guiding star of the Department over which I have the high honour to preside, that the Law exists for the People, and not the People for the Law.

Address

BY

THE REVEREND CANON KINGSLEY,

• ON •

EDUCATION.

I APPEAR here, not as a teacher, but as a learner. I have come, I trust, to the feast of wisdom, in hopes of carrying away a few scraps for the use of my own parish. Surrounded by men whose knowledge of practical details is immeasurably superior to mine, I can do little save to invite discussion on points which seem to me important to the public in general, because I know that they are important to me as a parish clergyman; to invite, for instance, discussion as to how we can introduce into country parishes that half-time system, which has been proved to work so well elsewhere by so many able judges, and especially by my friend (if he will allow me the honour of so calling him), Mr. Chadwick, in his letter to Mr. Senior, of 1861. But, besides inviting discussion, I may be allowed, I trust, to express my own opinions, not on details—which I leave to abler men than I—but on the principles which lie at the root of the whole question of national education, as far as I have discerned them. This—whether it be done well or ill—is the special duty, I think, of the President of a section. He has to lay—not before those conversant with the subject—but before the general mass of hearers, the laws, moral and physical, according to which the whole subject must be considered; to give them, if possible, something of an ideal. He ought to be well aware that that ideal can never be carried out. And he will be content to know that it is so. He ought to be aware of the difference—often painful enough—between what ought to be done and what can be done. He ought to know that most, if not all, practical work in the world involves compromises, which are truly wise, because they are charitable; and that the impractical and useless man is the fanatic, who insists on his ideal, whole and sole, and

like Hesiod's fool "knows not how much bigger the half is than the whole." But meanwhile, he ought never to cease reminding his hearers that there is an ideal, to be strained toward, though never attained; that there are first principles; and that good work will be done, in as far as those first principles are followed; while to compromise about the extent to which they shall be followed, provided no false principles are introduced by the compromise, is not to play false to the principles themselves, any more than going half-way along the right road is to lose your way, unless you turn into a wrong road at the half-way house.

Let me, then, tell you in a few words what principles I believe should never be lost sight of by those who wish to educate the nation. I hold, that whatever natural rights a human being brings into the world with him at his birth, one right he indubitably brings: namely—the right to education; that is, to have his faculties and capabilities educed—brought out; at least so far that he can see for himself something of what there is to be learned, and what there is to be done, in the world in which he must needs live; and what of that he himself can learn and can do. I say, he has a right to this. He was put into the world by no act of his own; and he has a right to ask of those who brought him into the world, that he shall be taught how to live in it. Of course it follows that he has a right to demand education first from his own parents. They are responsible for him, not merely to the State, or to God; they are responsible for him to himself. But if his parents will not, or cannot give him education—and that too many will not, who does not know?—if parents, I say, will not or cannot educate, of whom is the child to demand his natural right? I answer: From the State; and if the child (as is the case) is unaware of its own right, and unable to demand it, it is the duty of all good citizens to demand it for him.

Let me here try to clear up a mistake which is, I fear, still very common. It is argued—or rather it used to be argued—that the State is not responsible for the education of the children of citizens, because those children have been brought into the world without its consent, often against its wish; and that therefore, the parents alone are responsible, and the State is not bound to interfere. I beg pardon. The State is bound to interfere: for it has interfered already. It made itself responsible for these children when it forbade the parents (and rightly) to destroy them; forbade the parents (and rightly) to leave them to perish; compelled the parents (and rightly) to support them. It has thus compelled these children to exist;

compelled them to become citizens; and it is, therefore, bound to see that their existence is one fit for a civilized human being; bound to see that they claim the duties of citizens. The State has no right to compel the mass of citizens to receive among them every year a fresh crop of savages, to be a nuisance and a danger to the body politic. It has no right to demand that the physical life of the child shall be preserved, and yet to allow its far more important and valuable life—its intellectual and moral life—to be destroyed. Moreover, it has no right to delegate its own duties in this matter to any voluntary associations, however venerable, earnest, able. The State, and the State alone, is responsible to the existing citizens for the training of those who are to become citizens. It alone ought to do the work; and it alone can. If it will not accept its responsibilities, then the work, being done by supplementary agents, will be inefficiently done.

There are those—and among them men for whom I have the most profound respect—who are of opinion that the proper educators of children are the clergy. But I doubt whether, even in an ideal and perfect state, the whole education of the young, or even the whole control over it, ought to be entrusted even to an ideal and perfect clergy. One function, doubtless, of a clergy (I am speaking of no particular denomination, but of any clergy whatsoever) is to educate children in divine things; in their spiritual relations to God and to their fellow-men. But more than that, it is not, I think, their duty to teach; though, of course, whatever beside they are competent to teach, they have as much right to teach as any other citizens have. The circumstances which threw, for several centuries, education throughout Europe into the hands of the mediæval clergy were altogether exceptional; mere circumstances, which do not give any rule as to the general duties of a clerical order. The mediæval clergy, originally Romans and Greeks, and not Germans and Norsemen, were then the representatives, not of Christianity alone, but of such ancient learning as had survived the Barbarian invasions. From them alone learning was to be got; and they became, not by divine right, but by the necessity of facts, the instructors in the Latin and Greek tongues, and in Mathematics. But for the last 400 years the Latin and Greek tongues have been as open to the laity as to the clergy; Mathematics have become rather a lay than a clerical study, owing to their great development, which requires a division of labour; while other sciences have risen, and are rapidly developing themselves, which require so great an amount of special study that they cannot be taught by any clergy who also attend to their spiritual functions.

Thus, *cessante ratione, cessavit lex ipsa*; and the clergy are being relegated more and more, by the spread of secular knowledge, to their peculiar, and more proper function, the teaching of things divine.

I look, therefore, on the special control over education, which the clergy have more or less exercised in Europe since the fifth century, as an exceptional and temporary case; and I doubt whether in the ideal state, in which all the citizens would have but one creed, the teaching order and the priesthood should not be altogether distinct, saying of course that the priesthood should always be the teachers of divine things; the interpreters, according to their light, of the will of God. But still more ought this to be the case, I think, when the citizens of a state are of many different creeds. In that case, in proportion as the different clergies control the secular instruction of the young, will the nation drift into that denominational system, which I must confess is to my mind an evil; an inevitable evil, it may be in some cases, but still an evil to be escaped if possible by the wise man who loves his country. For it must be always injurious to that integral unity, which is the great strength of a State. Even where the different denominational schools are filled by children of the same race, their separate training must lead them to regard the children of other denominations as less their fellow citizens than the children of their own school. While where the denominations are, (as is the case in many countries) of different race as well as creed, the consequences of separate instruction, are, I believe, simply disastrous. The different races and creeds will learn to regard each other more and more as aliens, and the State will be divided more and more into various indifferent, if not hostile *imperia in imperio*, whose only common bond will be more and more that lowest one of making money out of each other. And here I must be allowed to express on my own part the pain and regret with which I regard those denominational restrictions, which still shut out too many of her Majesty's subjects from many of the advantages of our higher schools, and our elder universities. The consequences of those restrictions, have, I believe, been nothing but harmful, both to the excluders and the excluded; and I trust that I may live to see the day when our ancient centres of teaching shall be as free as the air and the sunlight, to every one who calls himself a British citizen. It is the duty of the State then, I hold, to educate all alike in those matters which are common to them as citizens; that is, in all secular matters, and in all matters also which concern their duties to each other as defined by law. Those higher duties which the law cannot command or enforce,

they must learn elsewhere; and the clergy of all denominations will find work enough, and noble work enough, in teaching them. We shall have always work enough in such times as these in teaching what no secular education can ever teach; in diffusing common honesty, the knowledge of right and wrong, and the old-fashioned fear of God as the punisher of those who do ill, and the rewarder of those who do well. We shall have enough to do (as a distinguished public servant bitterly put it to me of late) "in giving the laity a better moral outcome from our religious teaching" (I use his words and not my own) "than of workmen who are not habitual liars, who are not to be trusted without expensive and constant watching; a better outcome than of manufacturers of fraudulent products; than of tradesmen who cheat, and sell by false measures; than of university men who bribe their constituencies; than of stupendous rogues of the 'financing' profession." We can do the State good service in that direction; and we ought to do it. And by God's help, we will do it; and show ourselves a necessary element in the body politic, let the educational machinery of our country be altered as it may, to meet the new needs of a new generation.

The next question is, who shall pay for this national education? I say the State, reimbursing itself of course by taxes of some kind; taxes which shall touch the parents, who are immediately responsible for the existence of the children; and next the employers of labour of every class; because they, for their own profit, have made the existence of these children possible. Every one acquainted with the very alphabet of political economy knows what I mean. Most will, of course, agree that a capitalist who, by giving employment, not only collects round him, but actually causes to multiply, a large population, is bound morally, and ought to be bound legally, to the State, to see that the population which he has created does not grow up savage: but this rule applies, I believe, to every farmer, tradesman, master, or employer of labour of any kind; and applies no less to the landlord, the retired tradesman, or any and every capitalist. Whether he employs labour now or not, and whatever use he makes of his capital, that capital has been produced by labour; and he is more or less responsible for the civilisation or the savagery of those, or the descendants of those, whose labour has enriched him or his ancestors. I hold that no citizen, possessed of any capital whatsoever, has a right to deny this universal duty. If he object that these people have multiplied recklessly and without his advice, the answer is, that it is he who has tempted them to multiply, it is he who

has not taught them the evils of recklessness: and he⁹ must pay according to his means for the population which he has helped to create. As for the question whether national education should be paid for out of the taxes, or by rates, that is a question of detail, which might be answered very differently in different countries and ages; and one on which just now I should wish to invite discussion here. But the principle is, I hold, the same for every country, age, and form of society or government. Capital must bear its share in educating the labourer's child.

Next, ought this primary education to be compulsory or voluntary? We shall hear, I trust, much said about the relative merits of the voluntary and the compulsory systems. We cannot hear too much on both sides." Shall we have compulsory education, or not?—is, to my mind, the first question of the moment, even more important than the other great question—How shall we provide a better education for women? Now, I hold that the public duty, of which I just now spoke, must not be left to be performed, as it is now most generously, though imperfectly, by those capitalists and employers who are aware of their responsibility to God, the State, and their fellow-men. Private generosity must not, of course, be hindered. All I ask is, that the generous should not be over-tasked to save the pockets of the ungenerous; that the noble-hearted should not, as now, be forced to pay for the mean; the enlightened for the unenlightened; the patriotic for the selfish; but that all, whatever their private fancies or characters may be, should be forced by law to acknowledge their primary duty, and to fulfil it. The State, I hold, has a right to compel the ignorant to learn; but it has also a right to compel the stingy to pay toward that learning. When, therefore, the National Education League was started at Birmingham, I, for one, joined it, as the only method of obtaining what twenty-seven years' experience as a parish clergyman had shown me to be necessary—compulsory attendance. No one is more alive than I am to the services which different great denominations and religious bodies have rendered to education; to the services of the British and Foreign School Society; of the National Society, and especially of that venerable body, always foremost in all benevolent works, the Society of Friends. He who does not feel that England owes a huge debt to these splendid results of the voluntary principle, must be deeply ignorant of her history for the last eighty years. But over and above what these good people have done, does not much, too much, remain which they cannot do; for the simple reason that those

who need education most care for it least; and that those who are unawakened to the value of religion are certain to be still less awakened to the value of learning?

This defect seems to me to be inseparable from the voluntary system of education, however zealously and ably carried out. I can only speak of it as I know it from experience: and what I find in the country districts is this. Even if we have a school in which every child in the parish can receive a sound education, or at least the rudiments of one, beside the civilising influence of intercourse with the ladies of the parish; and even if, as is usually the case, the great majority avail themselves thereof rationally and thankfully enough; yet there is always a minority who cannot be made to attend regularly without threats, fines, exclusion from charities, and so forth; a process which transforms the clergyman from a minister of the gospel into a judge and a policeman; and I for one refuse to do policeman's work if I can get a policeman to do it for me. And some—there is always a remnant beside—(a small one, thank God)—but still a remnant, who do not come to school at all; children not generally of the very poor and miserable, but mostly of able-bodied, reckless, profligate persons, who are perfectly able to pay for their children's schooling a sum probably double of what would be charged: but who prefer exercising the indefeasible rights of free-born Britons in spending their money in beer and fine clothes. Such inform the hapless parson (though they are nominally members of the Church of England) that they see no good in schooling, care nothing for him or his charities, and give him to understand that the sending their children to his school is a favour on their part which they do not see fit to grant him. How any voluntary system is to touch these free-born Britons I have not yet discovered: and I have come to this Congress principally to listen with eagerness for some sketch of a plan which will touch them, and will prevent their children from not merely growing up ignorant savages, but from contaminating (as they do) the other children in the parish, too many of whom look with envy, not with pity, on their fellows who can play in the lanes all day instead of going to school. So much for the agricultural districts.

In the towns the broad fact is, that in every large town in these islands there are children to be counted by hundreds, often by thousands, who go to no school at all, and who cannot, by any existing methods, be got to school. Let me, to give a single example, call your attention to the case of one town, Birmingham. There is no reason to suppose that the denominational system has not been worked as earnestly

and ably in Birmingham as elsewhere. That there is benevolence enough and energy enough in the town is proved by what the good folks of Birmingham are doing at this moment. But it was found last year that 21,000 children out of 45,000, or nearly half the children in Birmingham, were growing up in ignorance and idleness. Nor was this owing altogether to want of school accommodation. For it was found that there was school room already for more than 31,000 children. But it was found also, as was to be expected, that under the voluntary system, the average attendance was 20,000 only. So there was already room for 11,000 more than went to school. The Birmingham Education Society (which seems, from its deeds, to be composed of wise and good men enough) finding that many of these children were kept from school simply by the poverty of their parents, devised free school orders, by which these children would be admitted gratuitously to various schools of all denominations; and succeeded thereby in getting some 5000 out of the 21,000 to school for awhile. But the voluntary subscriptions, even in so rich a town as Birmingham, were so insufficient, that they had, after a few months, to cease paying for 25 per cent. of the poor children attending the day schools, and for all those attending the night schools; thus throwing, to their extreme regret, large numbers of these unfortunate children on the streets. No wonder, after so patent and terrible a failure of the voluntary system, if the society went a step further, and organised—as the only hope—a National Educational League, the main objects of which are—To compel local authorities to find schooling for every child in England and Wales; to pay for such schooling out of local rates; to provide that the schools so prepared for shall be unsectarian and free, without payment; and lastly, to compel by law the attendance of children not otherwise educated.

Let me beg you to bear in mind, that at the Social Science Congress last year, Mr. Bremner, the secretary of the Manchester Education Aid Society, gave evidence which seems to me exactly analogous, as to the prospects of voluntary education in Manchester; and then let me invite discussion, at some time of this week, on the objects of this League. A glance at the names of those who have already joined it (including, I am happy to say, many clergymen) will show you at once that it is not likely to remain a mere scheme, but to become a practical and important power, which has the will, and will not long lack the means, to urge on public opinion those steps, of the necessity for which its members are so thoroughly convinced. I am well aware of the difficulties which beset such a scheme:

but I trust that most of us here know that the true English translation of the word difficulty is, something to be overcome. Meanwhile, if any fear lest the scheme should interfere (which would be an injustice and an ingratitude) with the noble efforts which are being made everywhere on the voluntary principle, I advise them to read a very clever, as well as a very wise pamphlet,—“Some Proposals on National Education,” being the essay to which the prize offered by James Clay, Esq., M.P., was awarded. That book I consider a work of real genius, well worth the perusal of those (if any there be) to whom the subject of National Education has no special interest. On one point only would I differ (with some hesitation) from the talented author, Mr. Greenwood, and on that point I should wish (with the permission of the Section) to ask for the opinions of experienced persons. I question, from twenty-seven years’ experience, whether it is really better to make the labouring class pay school pence for the education of their children; whether the wisest method is not to make them pay school-rates as they do poor-rates, and to open the schools free. My experience is, that as long as they pay, both the ignorant, the stupid, and the unwilling (and it is with them we have to deal) will persist in considering schooling as an article which they may buy or not, as they see fit, like beer or fine clothes, or any luxury; that they will persist in thinking, or pretending to think, that they are doing the school-managers a favour, and putting money into their pockets; that they will persist in thinking, or pretending to think, that they pay for the whole of their children’s education, and ignore the fact that three-fourths of the expense is borne by others, and that the only method to make them understand that educating their children is an indefeasible duty, which, as citizens they owe to the State itself, is for them to be taxed by the State itself and for the State to say—There is your money’s worth in the school. We ask no more of you; but your children shall go to school, or you shall be punished by the law.

But as one who for many years advocated the opposite opinion, I have come here to learn, and not to teach, upon this important point. All I ask—not those who have studied National Education, but the general public—to keep in mind, is this broad, ugly, dangerous, disgraceful fact: There are now—according to the computation of those who ought to know—about 1,280,000 children in this kingdom who ought to be attending some elementary school, or other, but who are not—1,280,000 children growing up in ignorance, in a country which calls itself civilised, but which will be called

by a very different epithet some 200 years hence, unless she mend her ways right speedily.

I turn now to a subject of equal importance, and one which is exciting increased interest among thoughtful women and men; I mean the better education of girls. That something must be done, and done on a large and generous scale, in this direction is becoming, thank God, clear to many an able head and noble heart. But let me remind you, first, that while you are devising plans for educating and civilising the so-called dangerous classes, you must not forget that the most dangerous class of all—for more dangerous than the street Arabs or thieves, is composed, alas, of women; and that the causes which keep that class continually recruited are not so much poverty, as emptiness of brain and heart; want of education, whether intellectual or moral, which leaves too many a fair savage (and too many not only of our lowest, but of our lower middle class, are nothing else) with no rational or profitable occupation, no sense of duty or responsibility, no intellectual exercise, if she can read, save the perusal of silly and exciting novels; and no ideal life, save one which will give fullest scope to vanity, luxury, and passion. On behalf of these, the most pitiable of all the victims of ignorance, I urge earnestly on every man, and yet more on every woman in this room, the duty of offering girls some education which will teach them what vast numbers of middle-class girls are not now taught, that there are higher objects in life than finery and amusement; that they are responsible to themselves, to the State, and to God, for the precious gift of womanhood. And if I urge the higher education of women for the sake of such as these foolish butterflies, how much more for the wise working bees of the human hive; for the two and a half millions of women who in this land at this moment have to earn their own bread, and often the bread of children and relatives beside; and who, for want of due education, are too often unable to compete in the labour market against the better taught male sex, and are, therefore, too often beaten down to starvation wages—from the widow who, as a last resource, takes to her needle, to the gentlewoman who, as a last resource, turns governess, both, too often, equally unskilled in the occupation which need has forced upon them. If the vast and steadily-increasing number of women who must earn their own bread in these days are to be aught but a source of misery to themselves, and of confusion to society in ways which I foresee but shall not particularise here, then we must offer to them an education which will at least enable them to get their own bread.

And is not the necessity for some higher, and for that reason more practicable, education of women just as needful in the case of those who will hereafter become wives and mothers, who will have the training of children, the management of a household, who may be, and should be, helpmates for their husbands, and not mere costly playthings? I can conceive few objects, if any, more important to a well-ordered State than the education of its women; for that will, in the long run, educate the men. The public opinion of pure, prudent, cultivated, pious women is a moral power which, as history shows us again and again, the men of a State cannot resist. "If one only of the parents of a child," says a wise man on this matter, "could be sensibly and well-educated, it would be most for the public good that it should be the mother." Who doubts it? Or rather, I meant to say, who would doubt it if he would use his common sense? For as yet so little has this, to me self-evident, truth been acted on, that while boys of the middle class everywhere in these islands have rich advantages in Grammar schools, Public schools, Universities, Scholarships, Fellowships, girls have—to speak roughly—none. The wealthy fathers of England have taken good care to see that they and their sons were freely and well-educated. The mothers of England, to whom the men of England will in each generation owe their earliest, and therefore deepest impressions in all that relates not only to God and to virtue, to duty, but to the outward world, and man's relation to it—the mothers of England, I say, are to be educated any how, or not at all. Even where the generosity of our ancestors has endowed foundations for girls as well as boys, the boys have been allowed, again and again, to appropriate the whole, or nearly the whole, of the endowments, till we have cases like the otherwise noble institution of Christ's Hospital, which, founded originally for girls as well as boys, now educates (I quote from the Report of the Schools Inquiry Commission) 1192 boys and 18 girls. Why not? Those who will be only wives and mothers need, forsooth, no endowed schools and colleges to teach them, if not Latin and Greek, if not philosophy, or political economy, or the history of their own land, at least a little of the laws of life and health, a little of the laws of the human mind, a little of the right method of preserving the body and the soul of their own babes. What need to teach them that? Let it come by chance or not come at all, if the learning of it is to rob the girls' brother of any of his rightful schooling. Ah! how many a young mother, looking on the face of her first-born, cries, with poor Margaret Fuller Ossoli, "God be merciful to me a sinner! I am the mother of a

human being!" and then adds in her heart, bewildered, reproachful—"And why is it that I have been no more taught what to do with the treasure which has been confided to me, than if it had dropt by miracle from another planet?"

I trust that I need not, in the present temper of the most highly educated persons—both men and women—I trust, I say, that I need not invite discussion on the question of the better education of girls. I know that there are in this room ladies who have set before themselves, as the duty which lies nearest them, the thing to be done just now, with all their heart, and soul, and strength; and gentlemen likewise who, like many of the most able and highly cultivated men of the University of Cambridge, have thrown their talents freely into what seems to be, and what is indeed, a new quest of chivalry—of chivalry sound and rational, because founded not on mere sentiment, but on justice itself. I trust that we shall hear original papers on the subject, from persons of various shades of opinions—and the question cannot be looked at from too many sides—that we shall have comments on the latter part of the Schools' Inquiry Report, relating to girls' schools; and that the public of Bristol will hear something of the new schemes for ladies' schools, and ladies' classes, the Cambridge Local Examination for girls, the University College Examinations for girls, and especially the new Ladies' College at Hitchin. Out of these and kindred institutions, I hope that a whole system of public education for girls of the middle and upper class will develop itself in due time. Some such organisation must arise, and arise soon. For a people like our own, so rapidly increasing in mere material wealth, and, let me say it, brute prosperity, can only be preserved from ostentatious frivolity and mere tinselled barbarism, by instilling a true and lofty civilisation into its sisters, wives, and mothers of every class.

One word more, and I have done. Whatever we do, for primary schools, secondary schools, or for our ancient universities themselves, let us see that our primary education, and still more our advanced education, includes some better teaching of Nature and of Fact. Let us see that the children of these realms are taught, if not the principles of physical science, at least some of those habits of careful observation and sound induction which alone make physical science—indeed, which alone make health and wealth upon this planet—possible.

Let us remember the words spoken by Mr. Joseph Payne last year at Birmingham, words which so exactly express my opinion, on a subject on which I have long felt with intense

earnestness that I shall do myself the honour of repeating them at length. "Some measures ought to be taken to open the eyes of the people to the world around them; to the things with which they come in contact in daily life. In order to accomplish this, they must begin with the clods of the earth on which they stand. The results which are now paid for must include the opening of the children's eyes to the wonderful phenomena by which they are continually surrounded, and which continually ask to be examined and appreciated." That this, according to Mr. Payne, and those above alluded to, is the sound foundation for future technical education, I agree: but I go further than he does. I say, that this alone can give us a sound foundation for any higher education whatsoever. For if the higher education is not built on the knowledge of Nature and Fact, which are, as Bacon says, the voice of God himself revealed in things, you may train a generation of fanatics, bigots, dilettanti, pedants, mandarins, or other children of Prometheus, the *a priori* dreamer: but you will never train your young people into children of Epimetheus, the inductive and therefore truly practical philosopher; into men and women who, taking their stand on Nature and on Fact, know something of what can be done in this strange world wherein God has placed them, and something of how to do it. No one is more deeply, yea awfully, convinced than I am of the need of sound religious teaching. But no one is more deeply, yea awfully, convinced, than I am, that even the best religious teaching, especially in these days, will bear but stunted and shrivelled fruit, unless accompanied by physical teaching; and thus supported (as all human thought should be), in the minds of teachers and of children alike, on a substratum of truth, reason, and common sense.

Address

BY

J. A. SYMONDS, M.D., F.R.S.E.

(ON)

HEALTH.

THE duty of this Department of the Social Science Association is, as its name implies, that of considering such questions as regard the promotion of Public Health—that is, the health of large bodies of human beings. At first sight it might seem that if individuals and families take due care to preserve their health, the general health must be the natural result of it; or rather, its sum total. And if all that is required for the purpose in view were an intelligent and assiduous observance of such rules of life as produce well-being, then the most promising line of operation for such associations as this, would be that of promoting the education of as many people as possible in matters belonging to individual health. They would have to be taught how to avoid disease and how to maintain the faculties of their frames in the highest efficiency. This would be done partly by inducing them to study physiology, at least so much of it as bears directly on hygiene; * and partly, by instructing them in those practical processes which science, or experience, or both of these may have established as salutary. But this would not be enough. No man can take care of himself irrespectively of the community in which he lives. And perhaps it is as well for the fortunes of mankind that individual and general welfare should be thus mutually dependent. It is true that the accumulation of many individual instances of disobedience to the laws of health must work banefully on the health of the community; but all the efforts of individuals in conserving their own proper health would be incapable of

* Mr. Huxley's "Popular Lectures on Physiology," and Dr. Lankester's "School Manual of Health," are particularly recommended.

neutralizing some of the causes of disease diffused around them, unless aided by the co-operation of the public. In vain would a man be temperate and judicious in his diet, regular in his exercise, punctilious in his ablutions, and ingenious as to his house arrangements, whether for temperature or ventilation, or cleanliness, if the public sources of many of his requirements are deficient or corrupt; if, for example, the water supplied him is impure; if the air which he is so careful to let in abundantly is loaded with miasms; and if the well-ordered outlets of his dwelling are in relation with inadequate or obstructed public conduits and reservoirs.

Man, impelled by his instinct, constrained by his needs, incited by his emulation and his ambition, and attracted by his natural ties and affections, is necessarily gregarious; and he must pursue his good, and defend himself from evil by inducing or compelling his associates, through law, or instruction, or example, to be as wise and prudent as himself. Men must help one another to make the best of their conditions of existence, and to keep themselves in harmony, if possible, with that part of God's universe that environs and maintains them; or if not in harmony, then in successful conflict with those hostile agencies, which it has pleased the supreme wisdom that man should exert his faculties in quelling, or abating, or abolishing utterly. But alas! how slow have men been to see their good and to pursue it. Over what long and doleful ages have they left themselves and their brethren to pine in long maladies, to shiver and burn with fevers, to be stunted in growth, and to become the victims of loathsome diseases, because of marshes undrained, of houses and cities ill-planned, and of cleanliness ignored or neglected. Have we reason for complaining that our predecessors, when they had as it were the whole world before them, should have settled themselves in malarious localities, and that, when they could have drawn to any amount from the liberal air, they should have so built their houses and streets, as if air were the rarest and most difficult of possessions? No, in judging of their selection we must remember that their primal needs, which became traditional, were to obtain shelter from elemental storms and inclemencies, from wild beasts, and from fierce neighbours, in entrenchments and fortifications, and at the same time to be within reach of the natural food supplied by the sea, by rivers, by forests, by prairies, and by hunting grounds. When, through the clear waters of the Lake of Neufchatel or of Zurich, we dimly descry the piles of the old Lacustrines, and we wonder

that they should have chosen sites for their dwellings seemingly so humid, we have only to call to mind that their sleep was liable to other invasions than that of rheumatic pains, and that the vexatious visits of the smaller tribes of the animal creation could be better borne than encounters with bears and wolves, or surprises from predatory foes.

But however this may be, it is obvious that in the civilized world of nationalities and crowded cities, congregations of men have not to seek choice localities, but to do the best they can towards repairing the effects of the original bad selection, and mitigating the accumulated evils gathered from ages of ignorance and neglect, and from the hard necessities of national struggles. And it is in the attempt to do this that so much energy, and benevolence, and ingenuity have been exerted, in what we call sanitary improvements and sanitary legislation, during the last thirty years. Before this time, however, there was the recognition of such a branch of medical science as had for its object the suggestion or direction of improvements in the public health by means of legislative enactments. Indeed, few civilized nations have been without some laws and customs, having for their objects the maintenance of health among the people, the suppression of ordinary diseases, and the averting of pestilences by a sort of police. Among the oriental races there were laws and precepts prescribing and regulating ablutions and baths, the use or avoidance of particular meats, fasts, separation of lepers, definition of the limits of consanguinity not to be transgressed in marriage, and so on. The Egyptians seem to have directed most of their legislative wisdom, as far as health was concerned, to the regulation of the practice of their doctors. Sir Gardiner Wilkinson says "they received certain salaries from the public treasury, and after they had studied those precepts which had been laid down from the experience of their predecessors, they were permitted to practise, and in order to ensure their attention to the prescribed rules, and to prevent dangerous experiments being made upon patients, they were punished if their treatment was contrary to the established system; and the death of a person entrusted to their care, under such circumstances, was adjudged to them as a capital offence. If, however, every remedy had been administered according to the sanitary law, they were absolved from blame, and "these provisions," says Diodorus, "were made with the persuasion that few persons could be capable of introducing any new treatment superior to what had been sanctioned and approved by the skill of old practitioners." The Greeks threw the chief stress of their hygienic

endeavours on the education of the bodily frame to the highest degree of vigour and beauty, particularly by the use of gymnastic exercises. How the Romans provided in some important respects for public health may be seen in the picturesque remains of their aqueducts, in their luxurious public baths (in Diocletian's *Thermæ* there were accommodations for 3200 persons), and in spacious sewers which date from Etruscan kings. But after all there is little in such arrangements and directions but what might be viewed, more or less, in relation to the most simple demands of the human constitution. It is to this very century, to our own times, nay, I might almost say, to one single generation, that we have to revert for observing any serious practice of public hygiene. I am not about to attempt any history of this movement, but I think I may venture to say that its great advances were co-eval with the introduction of the new Poor Law, and with the Act for Registering Births and Deaths, and the Causes of Death, and with the Municipal Reform Act, and subsequently with the Act for Amending the Health of Towns. What has been done since that time would require long research and labour even to epitomize it. I will only glance at a very few heads.

The sanitarian professors and practitioners by their zeal, their energy, and enlightened labours compelled our legislature and governments to acknowledge and act upon the fact that oxygen is a substance at least as important as gunpowder; that without the full and free ingress of that life-giving and death-destroying agent into the dwellings of the poor, and that without clearing from thoroughfares and public places accumulated refuse and offscourings, the less favoured classes of the community must sink into lower and lower physical deterioration and deeper and deeper degradation of moral life.

The growth of great cities, the mortality involved in that growth, and the multiplication of feeble, degenerate representatives of the human race, in the alleys and lanes, and wynds of those crowded hives where, though life swarms, disease and death are fermenting and corrupting in increasing ratios, have been well set forth in a paper by Dr. Bridges, on the "Influence of Civilization on Health," in the *Fortnightly Review* for August, as well as previously by Dr. Morgan in his excellent "Essay on the Deterioration of Race by the Increase of Large Cities." It seems that whereas in the year 1811, there were 51 towns containing above 10,000 inhabitants, and these towns contained 24 per cent. of the population, in the year 1861 there were 165 of such towns, containing 44 per cent. In the

year 1811 there were sixteen towns containing over 20,000 inhabitants, that is 19 per cent. of the population; but in 1861 there were 72 such towns containing 38 per cent. of the population. In 1811 no town, except London, contained above 100,000, but in 1861, twelve towns had this overflowing population, and they comprised one-fourth of the whole people. The population of large towns is recruited by constant immigration, the calculation being that of the joint populations of London, Liverpool, Manchester, and Birmingham, half of the adult population is immigrant; that is, its nativity was outside of the town, and for the most part in some healthy rural district. Some years ago I compared the mortality of large towns with that of rural districts, and of places with mixed populations, and I found that the average annual rate of the first was 24 in 1,000, in the second 15, in the mixed, 21. The crowding of towns implies the accumulation of animal products and exuviae, and the inability of the population to escape from the polluted atmosphere. The cottage of the agricultural labourer, and even the farm-yard and the farm-house are often woefully deficient in sanitary arrangements, but the inhabitants for the greater part of their time are breathing the fresh air of the fields.

To urge the admission of air, a sufficient supply of water, to avert the pollution of water, to improve drainage, to lighten and purify the dwellings of the poor and the surrounding spaces; to induce the public to learn something of the laws of health, and having learnt them to follow their practical corollaries: to press on the consideration of the public mind the value of health, not only for individual and family welfare and comfort, but also with a view to public economy, and that reflection of benefit which comes to the upper members of society from the amended health of the less-favoured classes; for such objects and many others, the initiators of sanitary reform laboured, in spite of the opposition of local boards, and of municipal and parochial authorities, jealous of any hint that their administration could fall short of perfection; they laboured also undiscouraged by general apathy, and the passive obstruction presented by mere ignorance. To pour knowledge on a gross population, besotted and prejudiced, is like letting sunshine into streets that have been darkened and fouled for ages. The dingy, begrimed surfaces reflect no luminous motion, and through the dusty apertures and all but opaque windows there can be but imperfect transmission of the light admitted, and so the scene looks after all none the better for the sunshine. But, though the objects of efforts made to enlighten them seem

so little capable of appreciating the benefits which await them, the reformers are enabled to discern the dark places on which they have to operate, and to realise what Lord Bacon was never tired of reiterating, that works must be *luciferous* before they can be *fructiferous*, and, as such, imitative of the order of creation, the beginning of which was *Fiat Lux*. But all the zealous endeavours of the early sanitarians would have been longer in overcoming the public indifference had it not been for the epidemics which befell us. The influenzas of 1831 and 1837, and the awful cholera visitations of 1832 and 1849, struck a terror into the people that shook them out of their torpor, and made them consider their ways and their sanitary sins and shortcomings, and disposed their hearts to listen to the sermons and admonitions of the apostles and preachers of hygienic righteousness.

It had been all but useless to explain that ordinary health would be increased, and intellectual energies stronger, and moral emotions and sentiments sounder, and enjoyment more vivid, and all life more bright and vigorous; but it was something to be able to tell them that the destroyers of their dear ones might be warned away, or that if they came the pestilence would be paralyzed, and the fever starved for want of the foul gases and waters by which they were fed and fostered. To this Association, which happily still numbers in its ranks so many of the early labourers in the sanitary movement, it would seem almost impertinent were I to attempt to rehearse their names; but the future historian will dwell on those of Southwood Smith, Chadwick, Kay-Shuttleworth, Shaftesbury, Farr, Rumsey, Simon, Nightingale, Lankester, Kingsley,* Parkes, Richardson, and Stewart, not only as effecters of the immediate good of mankind in their own day, but also as the inaugurators of happiness to unborn millions. I advise those who wish to inquire into the history of these efforts to study Dr. Rumsey's "Essays on State Medicine," which they will find full of information, sober reasoning, and practical suggestions of the highest value; and also an admirable pamphlet by Dr. Stewart and Mr. Jenkins on the medical and legal aspects of sanitary reform. To these I must add those singularly able letters with which Dr. Farr has for many years enriched the annual reports of the Registrar-General, and which I should like to see collected into a separate volume; also the Annual Reports of the Medical Officer of the Privy Council.

* We claim the author of "Alton Locke" and "Yeast" as a powerful sanitary reformer.

Dr. Rumsey with a masterly hand chalked out lines and parallels for the future extension of sanitary legislation, while Dr. Stewart presented strong statistics and vivid pictures of the good that must accrue to mankind when even the present very imperfect machinery of hygienic improvement has had fair play. But all of these writers afford abundant proof that if we wish to bring out the life and strength of this great people, and to

“ Cleanse its foul bosom of that perilous stuff,
That weighs about its heart,”

we must have more efficient machinery and a greater number of workers. They must be men accomplished in the sciences that belong to this Department, and also men who have had thoroughly practical training. Their occupation must be the care of the public health, and of that only. They must be above the control, and independent of the appointment of local boards, for there must be neither favour nor fear in their relations with local authorities and with local possessors of property. If they are thought to strain their power, and to encroach too much on public finances, that is, on local rates and taxes, let them be amenable to censure and restraint from the hands of the national administration. It is extremely difficult for locally appointed inspectors and local boards to do their duty when they have to deal with the dwellings of the poor. They come into conflict with individual interests, often with the interests of persons powerfully influential in the locality. But there are a vast number of subjects that would fall under the care and control of such state officers, who would have no other duties to perform than those which belong to their special office. There would be no struggle between the claims of public work, ill paid, and those of private engagements which are the main dependence of the officer for subsistence. The interests of the public would not be subject to the fortunate accident, of alighting or not on an able and assiduous agent like Mr. Davis of this city, who has zeal and activity enough to combine successfully both public and private duties. The work of such an officer as we have indicated would comprehend not merely the inspection of the dwellings and lodging-houses of the labouring classes, and streets and thoroughfares; but rivers and watercourses, also workshops, factories, and mines would come under his survey. Again, he would have to watch the public market-places, the stall of the seller of fruit and vegetables, the shambles of the butcher, the shops of the vendors of possibly adulterated food and adulterated drugs, in fact, all places where refuse may accumulate and noxious products

arise, and whence deleterious substances may be disseminated. The registration of births and deaths might or might not fall to his lot, or to that of some other medico-legal functionary; but certainly it would be his duty to watch the progress of sickness in the population, not merely as measured by death rates. His work, like that of this Association, would be to prevent or reduce the deadly records of the public registrar, and with a view not only to save life, but also to make life happier and more useful.

The great misery of the world is not dying, but dragging on a maimed, mutilated existence, in which labour is suffering, and pleasure is a burden and disappointment, a state without spring, and without light or colour, or at best a dull monotonous *chiaroscuro*, which, if not distressing, is utterly joyless. Yet to vast multitudes life is nothing better, because, in the districts inhabited, the fountains of life are inadequate, or are adulterated and poisoned. We cannot very much wonder that the artizan, dulled and half-stupefied by the close air and ill odours of the workshop and the lodging, or by the fumes of the factory, should reel into the cheerful beer-house or the glittering gin-shop, craving for some temporary relief to his weariness and depression. I need scarcely remark *en passant* that one of the most trying wants of the community, with regard to public health, is provision for unobjectionable amusement. In supplying their needs it is not enough to give them oxygen in plenty, and pure water and wholesome food: they have to be entertained as well as fed. Recreation and play are as necessary to mankind as are food and raiment. And if there are not sources of rational and innocuous amusement, then there will inevitably be riot and debauchery. An enlightened and refined community will some day provide for these things. It will not, as of old, be left to self-seeking, ambitious consuls and emperors to corrupt the people with "*panem et circenses*;" but governments will keep a paternal eye over the sports and amusements, as well as over the health and the toil of the great mass of the community. Here, however, we are encroaching on other departments. But indeed it cannot be otherwise than that the Departments should occasionally overlap each other. The mind and the body, the body and the mind; the laws that bind, and the laws that loose; the knowledge that strengthens and enlivens; and the economy that provides and husband the resources of life and strength; all of these in their several requirements and operations are perpetually crossing and interpenetrating each other as the unavoidable result of the compositeness of man's constitution, and of its correlative wants.

But to return to our immediate subject, I must trouble you with a few more words on State medicine. There are probably many members of this assembly who have not followed the course of the movement. Four years ago a committee was formed by the British Medical Association for the special object of taking means to urge upon the Legislature the importance of providing for the more effectual administration of the laws affecting public health, and for the amendment of medico-legal action. The subject was also taken up by this Association. In the early part of last year the movement had advanced so far that a joint committee, which had been formed, by a happy suggestion of Mr. Hastings, from this Association and from the British Medical Association, recommended a deputation to the Government in order to petition them to appoint a Royal Commission to inquire into the operation of the laws belonging to State medicine. The deputation was made, and one of the points most strenuously urged on the Government, was the necessity of appointing a new order of functionaries in the State, who should be distributed over the country with the special duty of advising, directing, and, if necessary, of enforcing the administration of the laws affecting public health. The heads of recommendation were:—

“1. The manner in which the cases and causes of sickness and of death are, and should be inquired into, and recorded in the United Kingdom.

“2. The manner in which the coroners’ inquests, and other medico-legal inquiries are, and ought to be conducted, particularly in the methods of taking scientific evidence.

“3. The operation and administration of sanitary laws with special reference to the manner in which scientific and medical advice and aid in the prevention of disease are, and should be afforded; and also with special reference to the extent of the areas or districts most convenient for sanitary and medico-legal purposes.

“4. The sanitary organization existing and required, including a complete account of the several authorities and officers. The education, selection, qualification, duties, powers, tenures, and remuneration of the said officers to be specially reported on.

“5. The revision and consolidation of the sanitary laws, having special reference to the increase of the efficiency of their administration both central and local.”

For this work we are indebted especially to the exertions of Dr. Rumsey, Dr. Acland, Dr. William Farr, Dr. Stewart, Mr. Clode, and Mr. Michael. The Royal Commission has been granted, but it is to be regretted that the Government has thought proper to limit its operation to the provinces of Eng-

land, for even if Scotland and Ireland were not to be included, it was undesirable that the metropolitan districts should have been omitted. I do not suppose that London is held to be too pure to be inquired into, or that, although some of its sanitary provisions are all that could be wished for, especially those which are under the supervision and control of such officers as Mr. Simon, Dr. Letheby, Mr. Holland, and Dr. Ballard, there is no room for the operation of that new order of functionaries, the creation of which we are so anxious to urge on the Legislature, and which we trust will be the result of the inquiries of the Royal Commission.*

* The last action of the joint committee in their untiring performance of the duties which they had undertaken was this memorial :—

“To Her Majesty’s Principal Secretary of State for the Home Department, and to the Right Honourable the Chancellor of the Exchequer.

“The Memorial of the Joint Committee of the British Medical and Social Science Associations,

“HUMBLY SHEWETH,

“That the primary and chief object of those who last year earnestly urged upon Her Majesty’s Government the appointment of a Royal Commission of Inquiry into the operation and administration of the Laws relating to Registration, Medico-Legal Investigations, and the Improvement of the Public Health, was to obtain, on unimpeachable authority, the fullest and most trustworthy information as to how far the Laws in question are fitted to secure the ends for which they were enacted, and how far they are obeyed throughout the United Kingdom of Great Britain and Ireland. That they hoped and believed that such an Inquiry, properly carried out, would furnish a body of evidence that would be accepted on all hands as a safe guide in all future discussions on the consolidation and amendment of the said Laws, and might be appealed to as conclusive, both in and out of Parliament.

“That they asked for an Inquiry co-extensive with the Kingdom, because, while the spirit and general tenor of the said Laws are everywhere the same, the details are very varied, and marked by diversities, sometimes well and often ill suited to the circumstances under which they are administered. That, therefore, any legislation founded on imperfect information as to these special circumstances and the special means required to meet them, must of necessity fail to fulfil the intention of a Sanitary Commission, and to secure those benefits which would be likely to result from fuller and more extended Inquiry.

“That no information obtained merely by written answers to schedules of questions, always open to grave misconception of their scope and import, and addressed exclusively to local authorities, can, in the absence of personal inquiry, either by the Commission itself or by skilled persons deputed to discharge their functions, furnish a trustworthy basis for permanent legislation. That as, sooner or later, recourse must be had in many places to inquiry on the spot, in order to supplement the tabular returns, as well as to test their accuracy; economy as well as efficiency demands that this course be adopted now.

“That the urgent necessity for a full consideration of the present method of conducting medical investigations in relation to forensic

But while Government and the Legislature are awakening to the duties which lie before them, it is to be hoped that they will be supported, and indeed urged on, by public opinion; and one of the instruments for increasing the public interest in these vital matters is the Social Science Association. It cannot be said that the public does not altogether need to be instructed or roused to a sense of its wants and its dangers, when we read in some of the journals that it is highly doubtful whether vaccination should be compulsory, and that vaccination is little better than a fancy or theory of the medical profession. But the history of small-pox in different countries, since vaccination was discovered and practised, would bring any impartial inquirer to the belief that, if this safeguard were neglected, the community would in another generation or two go back to that state which used to cause the writers of public advertisements, and private correspondents, to describe individuals as distinguishable by their complexions, in regard to the marks left by the ravages of small-pox. It would seem that a semi-panic has been excited by a report that cases have occurred in which there was reason for suspecting that the virus of disgusting and deteriorating disease had been diffused by vaccination. Even were it admitted that a constitutional fault, inherited from vicious parentage, can be communicated through the vaccine lymph, still all that we have to be anxious about is the selection of proper sources of the lymph. We do not leave off eating bread because bread is sometimes adulterated.

And as to the infraction of the liberty of the subject by compulsory vaccination, it must be borne in mind that our object in forcing vaccination on parents is not so much that their offspring should be preserved from small-pox, as that their children may not become the contaminators of their neighbours, and perhaps of the whole community. Those who can remember, as I can, the time when the nation was just

embarrassed has been, much to the regret of your Memorialists, entirely lost sight of, and excluded from the Inquiry of the Commission.

Your Memorialists, therefore, would most respectfully urge on Her Majesty's Government a further prosecution of these inquiries, and their extension to the metropolis, to Scotland, and to Ireland. This, although entailing some additional outlay, would amply repay, in value to the country, any contemplated expenditure of national funds; and would insure that confidence, in the investigations of the Royal Commission, which the present limitation of the Inquiry fails to command.

"Signed in name and by appointment of the Committee."

"W. H. MICHAEL.

"A. P. STEWART.

"*London, August, 1866.*"

realizing the benefit of Jenner's transcendent discovery in the new sense of security to life, and, I may add without any hyperbole, in the renaissance of the beauty of men and women; those who can remember that time, and the infinite labour expended in reasoning and preaching, and pleading, and persuading a doltish and prejudiced people to profit by the beneficent light which, through a genius all but divine, had been flashed upon them; those who can remember the hard emergence of human life and human beauty from that period of desolation and disfigurement, are shocked by the pernicious levity with which doubts are now thrown upon the value of vaccination, the most precious boon that any one man ever conferred on his fellows.

I may state that since I put down these words, I have read a report of a quite recent discussion, in the French Academy of Medicine, of this fear of contamination from cow-pox; and I am glad to say that the result was enormously preponderant against the alarmists. And so I trust that compulsory vaccination will not give an inch to this foolish and petulant opposition.

In the course of these remarks I have talked of health, both individual and public, as if it were well known what health means. Perhaps the common popular notion of it is enough for practical purposes. It is the antithesis of disease and disability, the capability of doing the duties of the day without detriment to the organs employed in the work, or to other parts of the body. It is not health for example, if the brain of the literary man after the production of a successful paper is left aching, and if his night's rest is broken, and his digestion becomes toilsome, and his muscles are unable or unwilling to act. Perfect health—ideal health—implies the completeness of the whole and of every part of the human organism, the education of all its latent capacities in their due proportion to each other, and such a condition of all the parts, that they may do what is fairly required of them, without strain, and without subtraction from the energies of each other. To attain this is the aim of hygienic art,—to develop man to the utmost of his physical nature, and yet to maintain the several parts of his system in due balance and harmony. A grand object, but alas! far from attainment. To many it seems that there is nothing needed but to let nature take her course—to follow nature, to obey natural laws, and then that all will come right. But this is a somewhat shortsighted view. It is too true that man has often blundered and bungled in his attempts to modify and subdue the forces of nature so as to realise his conceptions and to satisfy his wishes, and that after

his clumsy contrivances and manipulations, he has had to throw up his schemes and endeavours, and to admit that nature's processes are better left to themselves. But if the human race had continued to be deterred by such discouragements, there would have been no art, no progress. Man cannot resist his destiny, which is involved in his faculty to mould and subdue nature to something better than he finds around him. One of his great difficulties is that he has to work in a limited time, and with the most rigid economy in the use of what he works with, and of the matter on which he works. But nature has unbounded resources; to her time is no object; and she has unlimited means of waste as well as of use, and the achievement of her perfection after all may be left to the struggle of the strongest, and the chance meeting of the fittest structure with the fittest environment; in the course of which trials and contentions, and selections and adjustments, there may have been centuries on centuries of incompleteness and waste. Sickly, stunted plants, crowded trees destroying one another, flowers with imperfect petals and shrivelled leaves, are some of the commonest indications of natural want of development, of overcrowding, of imperfect supply of heat and moisture—in a word, of what in human arrangements would be disease and would imply neglect.

These facts of course belong to an order of events, which are beyond the limited cognisance of man, a system by which decay, and waste, and death are but phases of transmutation, and media through which better things are to be evolved. Were man merely to follow nature, he would, on looking at the present state of his fellows and of society, be inclined to say: These agricultural peasants seem but very poorly developed, with narrow perceptions and the scantiest knowledge, and even their locomotive frames, though trained to some kinds of rough toil, are yet wanting in suppleness, and elasticity, and grace; these pallid, crippled artisans in these overgrown towns, these poisoned infants, these distorted, half human scabs of the streets, these unhappy fallen women, these demons of debauchery, these rotten haunts of crime and infamy,—they must be left; these evils must cure themselves by plagues, and deaths, and desolations, and better and wiser races will in far-off times emerge. But man, if he thinks at all on such things, cannot by the very necessity of his nature, his instincts, his yearnings, his sympathies, his conscious power, he cannot let the evils which he sees pursue their course; he cries—

“Must helpless man in ignorance sedate
Roll darkling down the torrent of his fate?”

and forthwith he begins his attempts at civilization and improvements.

In regard to health, there are agents all around that feed, and support, and purify, but they need to be arranged and used according to knowledge and reason; and here is the difficulty. The perceptive and reasoning faculties of man are as much a part of nature as whatever he surveys and operates upon. But this part of nature may be for long ages in abeyance, latent, and unevolved; or it may be employed on very different agents, as, for instance, in the transactions of war, and in works which give pleasure to the eye, and which belong to the fine arts. Hygienic art cannot be practised without study of nature, nor without altering nature, and compelling her to subserve and minister to the health of individuals and of communities. It is but doing in its own sphere what all civilization does in violating and breaking up the works of nature. If we consider for a moment a scene of tropical vegetation: magnificent forests, luxuriant underwood, beautiful plants, birds of gorgeous plumage, and sweet voices:—we are disposed to exclaim, “how glorious and how admirable are these works!” though we know that these plants and trees often strangle and stifle each other, grow imperfectly, and die prematurely; and that within the thickets lurk murderous carnivora, and treacherous reptiles, and hideous mollusca, and venomous insects, and slimy annelida, loathsome and repugnant to all but enthusiastic zoologists; and that were there not these animal foes of man, there are malarious poisons lying in wait for him, if he is so ignorant or unwary as to attempt to take a night’s repose in those solemn and enchanting shades. In the course of time man learns that there are many things that he must alter and destroy. He must let in light and air, and kill or starve the beasts and reptiles, and sweep away the woods, and drain the jungles. And in his civilizing works he does this and much more. But in all his observations, and thinkings, and labourings, it is only the nature within him contending with and subduing the nature which is around him. So that after all there is no antagonism of nature and art, but the triumph of one department of nature over another, the yielding of the lower nature in gross physical forces, and inferior living organisms, to the higher nature which is in the will and reason of the supremest of God’s creations.

On glancing over the recent literature of public health, monographs, reports of the Registrar-General, reports of health officers, addresses from this chair, papers in journals, &c., unless you follow up one particular inquiry, a benumbing

sensation comes over you of confusion and bewilderment. 'It is as if one suddenly entered upon a vast district of primeval country, where an army of pioneers and engineers, miners and quarrymen, had been recently set to work to level and clear and irrigate, with a clamour of tongues—some querulous at the impracticability of the soil, some denouncing the methods employed, some crying for additional help. But in whatever direction we look we may discern evidences of earnest labour and successful effort. In fact, the great work of our age is just beginning. We are "in the morning of the times," nay, in the earliest, faintest dawn, and some confusion and distraction are inevitable. We have so many unsettled questions. We hardly know, taking, for example, even a practical matter, anything so seemingly rudimentary, as whether we should pour the refuse of our towns into rivers, or detain it both for the service of the land and for the preservation of water from pollution. And, as an instance of scientific difficulty and uncertainty, we are by no means clear, and therefore by no means agreed, as to the manner in which great sanitary evils beget diseases, how epidemics and plagues and pestilences originate. We know certain gross facts, we know that diseases are rife and their deadliness heaviest where human beings are in closest proximity; we know that a certain consumption of oxygen is effected by one pair of lungs in a certain time, but, varying with food, and different kinds of food and exercise (though there is a controversy as to the number of cubic inches of air to be allotted to an individual in a cell or dormitory), and we talk of air poisons, and water poisons, and earth poisons, but we do not really know what they are. What is marsh miasm? What is the contagious substance, the *causa causans*, in small pox and scarlatina? Are they living or dead things? Are they organic germs, capable of indefinite self-multiplication when once imbedded in an appropriate nidus? or are they new combinations of proximate principles, generated out of the death, decay, and disintegration of organic matter under particular conditions? The decision is not come to.

And there are epidemics about which it is not settled whether they are propagated by contagion only, or by other means; or whether, owing their origin only to earth, air, and water, and organic matter, they are afterwards sown among a population by the first victims. To some it appears as heterodox to believe in a mere chemical, septic origin of typhoid fever or cholera, as to believe in the equivocal or spontaneous generation of the lowest forms of life. The anxious, eager thoughts of inquirers fume and ferment over

these questions in a zymosis, as energetic as the hypothetical process which one section of the controversialists attribute to the object of their researches. But under the vigilant outlook and investigations of combined chemical and microscopic detectives, the latent offenders will some day be brought to light and their mysterious genesis unmasked. Where there is so much room for guessing, I might not be seriously blamed for surmising that it is not improbable that the so-called poisons, though forms of life, and sprung from a remote ancestry, may, like other organisms, have undergone Darwinian metamorphoses in their long descent; that varieties have been constituted into species; that the *nova febrim cohors*, which suddenly alighting on a population, perplex and affright it with novel forms of havoc and desolation, may be transformed descendants of ancient enemies of man; that the plague of Athens in one age and country, is in another the plague of Egypt, or the black pestilence of the Middle Ages, or the sweating-sickness of the Renaissance, or even the cholera of the second decade of the present century. But whatever the vagueness of our conjectures, the wildness of our speculations, or the strife of our controversies, it is a consoling fact that our scientific sanitarians can, in many cases, destroy the substances in which the invisible agents of evil lie dormant, whether by making their habitats untenable, or incapable of maintaining their noxious life, or by chemically decomposing them as mere morbid matter. An admirable contribution to the science of disinfectants and to the art of using them has been given to the public in the present year by Dr. Angus Smith; and I cannot but add that my distinguished friend, Dr. Budd, who has devoted so much ability and so much toil to the elucidation of contagious diseases, has favoured the public with some valuable practical directions on the means of guarding against infection from scarlatina.

In the work which this Department undertakes there is, as I have said, much confusion and darkness, but we need not doubt that, as in all honest scientific inquiries, and strenuous endeavours of art, endeavours founded on knowledge, the great forces of Nature will be brought to act on the side of human wants, and that the seeming hostilities will be limited and subdued by human will. It will not always have to be said that—

“The generations are prepared; the pangs—
 The internal pangs are ready; the dread strife
 Of poor humanity’s afflicted will,
 Struggling in vain with ruthless destiny.”

It would be scarcely presumptuous to prophesy that as men

become really wiser they must become happier. By wiser, I do not mean more merely speculative and contemplative. In the matters under our survey, to be wise is to learn and to make others learn and know the facts of nature; that is, the facts of our human life and of the things or agents that surround and affect us, our existence and the conditions of our existence, and then to apply our knowledge to the promotion of the greatest happiness of the greatest number of the human race. As it regards health, men as they become better instructed in the composition, and physics, and chemistry of their bodies, and in the relation of corporeal processes to the powers of nature, will take more heed to all that comes under hygienic culture, and they will learn far more than we in this age can know; for our inquiries, as I have just remarked, are only on the threshold. The narrow life which is now led by mankind will, perhaps, be exchanged for one in which they will have wider ranges, and a "*largior æther*." The means of traversing the globe will be multiplied and facilitated, and the human family will be more equally distributed; races arising in adaptation, and capable of making their environment conformable to their needs. Science will in time teach a production and economy of food to which present processes will seem rude and barbarous. The resources of the healing art will be immensely increased. But it requires strong faith in the ultimate triumph of good if we venture to hope that the causes of hereditary diseases will decline and die out, that new modes of living, and new political and social developments will eventuate in the growth of stronger and higher human types, which types will become dominant, and either transmit robust and sounder frames, and more powerful faculties, or at least become the objects of that passive imitation, which has been believed even in historic times, to have insensibly moulded nations into finer forms, with grander aims and larger capacities.* One of the strangest and saddest of the necessities of our present degree of civilization will, long before such a state of things, have fallen into desuetude; for we must call it a necessity in the present state of the world, with its present ways and opinions and practices. I mean that which fills the columns of newspapers with experiments on explosive compounds, that have no other object than the destruction or mutilation of that which this Association takes under its special thought and care. That there should have been co-eval with this society such institu-

* See an interesting essay on Physics and Politics, by Walter Bagshot, Esq. *Fortnightly Review*, July, 1869.

tions, for example, as the Ordnance and the Admiralty, will seem in other ages an unintelligible anomaly. Nearly two thousand years ago it was said "*si foret in terris rideret Democritus*," but how inextinguishable would be the laughter of that resuscitated sage if, after we had commanded his reverent and admiring attention to an exposition of the religion of the Sermon on the Mount, and after we had assured him that this religion had been publicly professed in these realms for more than a thousand years, we should then take him on one of our grand days to Shoeburyness! Let us hope that the removal of this woe and disgrace of nationalities may pass away even faster than can grow the developments of our race, and the abatements of the evils which press us down, and call for the efforts of this present Society. Yet they will require long, long years, ages on ages, *secula seculorum*. Many "heroes, and poets, and prevailing sages," may have to go to their graves, leaving "the vesture of their majesty to adorn and clothe this naked world," perishing, but bequeathing anticipations and dreams of a better earthly life, and of nobler thought and action—

"Whose forms their mighty spirits did conceive,
To be a rule and law to ages that survive."

Many such will have come and departed before the human destinies have fully culminated. If the thought of so long a delay inclines us to join in the old lingering cry, "*Quousque Domine?*" we must call upon our imaginations to conceive the lapse of ages between the existence of the primeval prehistoric tribes, I will not say of the contemporaries of the cave bear and the mammoth, but even of that great family whose speech and whose traditions were the germs of the languages and the myths of the Indo-European nations—those strong, brave men, who lived before Agamemnon, lost in a long night of oblivion, unknown and unwept, because unsung, and only in these latter days descried like ghosts by the penetrating sight of a Max Müller; we must imagine the innumerable eras which have revolved between theirs and that of Cuvier, Herschel, Stephenson, Faraday, Brougham, Lyell, and Tennyson. But there is no necessity for projecting an equally slow rate of progress from our present stage of development to that which is to come; for it is in the nature of civilization, unless checked by cataclysmal events, to advance in a geometric ratio. And at all events we cannot easily suppose that our earth will have lost her heat or our sun have ceased to burn, before man has experienced and enjoyed the perfect evolution of all those capabilities and faculties with which his

Maker has endowed him, before all that is now only potential and latent has come out into form and action. Towards such a consummation the work of this Society is tending. Its success may be but small, and that glorious end may be never reached ; but we may take heart and comfort from the knowledge that its immediate operations are helping to increase the amount of happiness and moral good in the world, and to take away some of its evil and its suffering. And so aiming, and so working, we may devoutly say—God speed it.

Address

BY

THE RIGHT HON. STEPHEN CAVE, M.P.,

ON

ECONOMY AND TRADE

A RISTOTLE says in his *Politics* that the best and most perfect commonwealth is one which provides for the happiness of all its members, — a remarkable sentiment when we consider the age and circumstances in which he lived. Our admiration, however, receives a check on discovering that among the members of his commonwealth the philosopher does not include peasants, artisans, or traders of any kind, who are, he says, necessary to a State but not parts of it, any more than food is part of an animal, or the instruments employed in any work part of that work. He limits therefore his citizenship below the ruling class to priests and soldiers. This defect pervades all the republics of ancient times, which were in fact more or less extended oligarchies, of which we had until lately a notable example in the Southern States of the American Union. In all times the men of war have, generally speaking, been rated by society higher than the men of peace, and of men of peace the religious orders have invariably held a higher place than the trading classes. There is indeed an appearance of greater disinterestedness in the professions of arms and religion than in those occupations of which gain is the avowed object. The greatest masters in literature and art have laid their choicest gifts at the feet of warlike prowess and religious devotion. Poets and historians have immortalized those who have carried havoc through the world, while the softer sex, those at least who do not lay claim to the distinctive attributes of men, admire those qualities in which they are themselves most deficient, and those which most impress their organs of veneration. An old lawyer, who had great experience in marriage settlements, used to say that in war heiresses always married soldiers, but that in peace they

married parsons. Byron speaks with undisguised scorn of the merchant-dukes who succeeded the barbarous anarchy of mediæval Florence, and first made commerce respectable, though the cognizance of the Medici * has rather gone down in the world since their day; and he sneers at Cottle, the Bristol poet—

* “If commerce fills the purse she clogs the brain,
And Amos Cottle strikes the lyre in vain.”

His friend Rogers might, indeed, have led him afterwards to modify such an opinion. Even within the last year or two, a newspaper of high character lamented that a noble duke had placed a son in a merchant's house. As society at large estimates any class of people, so they will generally be as a class. It is difficult for those who are universally despised to maintain high and noble feelings; on the contrary, they are disposed to take their revenge by exaggerating the defects imputed to them, and by compensating themselves irregularly for the injustice under which they suffer. Maritime commerce, often the victim of piracy, had frequently more intimate relations with it than was quite respectable, and Isaac of York might well regard his usury as an insurance against the plunder to which he was so often exposed, and a payment for the contempt under which he writhed.

Trade, however, has of late been held in far different estimation; notwithstanding the pomp and circumstance of war, people have begun to realise the fact that production is better than destruction, and that the happiness of the commonwealth is not increased by such a state of things as prevailed in Germany during the Thirty Years' War, when it was said that for a whole generation the safest place for a man was in the army, and that there was no safe place for women or children; or by a conscription which, having swept away the able-bodied adults, carries off cripples and striplings, as in the last years of the first French Empire. So far from traders being no part of a commonwealth, it is acknowledged that upon trade every class in the commonwealth depends for the luxuries, the comforts, the necessities of life.

An eminent writer, lately passed away, makes one of his characters complain that “the greatest politicians, the wisest statesmen of the commercial class, if they force the doors of office are only looked upon as intruders, while a purchased epaulette on the shoulder of a boy is a passport

* The three balls—the well-known sign over pawnbrokers' shops.

to the royal presence." But now, so far from traders being, as they have been within the memory of those now living, excluded from the Court of the Sovereign, we find among the ministers of the Crown, not only those who have been actively engaged in commerce, but those who are still so. There can be no stronger reason why a commercial man should be unduly biassed by his interests than one whose income is derived from any other description of property. Indeed, in these days of jointstock companies and gentlemen farmers, it is difficult to say who is not a trader. An examination of lists of directors and shareholders would show that we are almost literally "a nation of shopkeepers."

It is somewhat remarkable, when we consider the origin of this sarcasm, to what extent the trading character of the nation was derived from the French. The English, under the earlier Norman kings, were an agricultural people: they imported almost everything from abroad, paying for it chiefly in wool, which was manufactured on the Continent. But from the reign of Edward III. to that of Queen Anne religious persecution drove, as refugees to our shores, multitudes of the most industrious artisans of France and Flanders, who introduced the manufacture of cloth, silk, cutlery, glass, pottery, paper, lace, thread, and many other articles: and more than this, we find, as might be expected, that these naturalised Englishmen, who had given up their country and property, and imperilled their lives for the truth's sake, carried on their various trades with so much honesty and fair dealing as to lay the foundation of that high character which so long distinguished the British merchant. Generations have obliterated the distinctive characteristics of the exiles; let us hope their character endures. But I do not think those fugitives for conscience' sake would have sent rotten coats and shoes to their countrymen in the field, of which we heard something during the Crimean war, nor supplied potted carrion, or unsound cables and anchors to a naval expedition, nor sold painted and killed seeds to gardeners and farmers. Nor do I think we should have found their names among the directors of bubble companies, for there were such things even in those days.

It must be confessed that although trade is beneficial to a nation, yet the eager pursuit of gain is ensnaring to individuals. The French in Louis XIV.'s time called cheating at cards by the euphemism *corriger la fortune*. We have more regard to propriety at least in our language, but is it not the case that there is too much indifference to the use of false weights and measures, or what is more com-

mon, because less easy of detection, the sale of wrongly weighed and measured commodities, and the adulteration of articles of food and drink—indifference in high quarters where the strongest opinion should be expressed? while the poor seem actually to take the side of those dishonest traders of whose malpractices they are the chief victims. Have we always found members of the Anti-slavery Society refusing to import slave-grown produce? Have our agriculturists never sold diseased animals without asking questions as to their destination? How many of us would turn the bruised side of the melon towards the purchaser, like the Italian boy in one of those charming tales of Miss Edgeworth, which we read when we were young?

It cannot be out of place to inquire what has been the cause of the commercial pre-eminence of England, when so many appear to think that we may continue to enjoy it without retaining the qualities which first gave it us, that whatever faults we may commit, nothing can prevent our being the workshop of the world, that “to-morrow will be as to-day and much more abundant.” Yet the example of other nations might teach us a different lesson; how often the stream of trade was diverted into new channels, never to return, and—

“More unsteady than the southern gale,
Commerce on other shores displayed her sail”

We have seen that the trading industry of England dates chiefly from the immigration of skilled workmen from the continent, who not only practised their various handicrafts, but taught them to the English. We find that their pupils were apt, and made rapid progress, especially in the southern and eastern counties. Consequently, although the earliest immigrants were welcomed, as conferring benefits in return for shelter, yet when in after years they arrived in larger numbers, flying first from the tyranny of Spain in the Low Countries, and afterwards from France after the revocation of the Edict of Nantes, they came to be regarded not so much in the light of instructors as of rivals. The English workmen complained that they could not compete with the superior industry or greater frugality of the foreigners, and when we read that these foreigners made soup of oxtails, which were thrown away, just as the dory was within the memory of man, we cannot wonder that they managed to live well upon what the proud islanders despised. It was said that Massena kept his army before the lines of Torres Vedras

seventeen days longer than English troops could have existed, that during the last year of the siege of Sebastopol French soldiers made savoury meat of what was flung out as refuse from our butchers' tents. A story used to be told of a noble Polish exile who lived at wonderfully small cost in London on cats' meat, of the composition and ordinary use of which he was wholly unaware. But without going so far as this, there can be no doubt that ignorance, recklessness, and prejudice, still cause the waste and refusal of excellent food among our operatives, and necessarily increase their cost of living. To return—great jealousy sprang up against the foreign workmen, resulting frequently in violent outbreaks. We have all read of the "evil May-day" in Henry VIII.'s time, and of the order in the previous reign that hats should only be made in a city or borough, levelled at the Flemings, who had established a manufactory outside Norwich, which together with other disabilities had the natural effect of driving sundry manufactures back to Holland, and ruining the Norfolk capital. I think we have heard of similar rules made by the Stonemasons' Union about working stones in a quarry. These disputes and jealousies, and tyrannical edicts, at the time of which I speak, chiefly affected different classes and races in the same country. Incessant wars of bigotry and ambition so desolated the continent that trade continued to flourish in England in spite of every obstacle; and the working of coal, and invention of machinery, together with the markets furnished by our colonies when the continent was closed by war, completed the commercial prosperity of England. But the restoration of peace to Europe and America has produced its natural consequences. Coal, iron, and copper have been discovered in many districts, and the industry and frugality of the continental workman, now on his own soil, again forms matter for complaint.

The managers of the Trades' Unions, while loudly denying that their peculiar rules have rendered this competition more formidable, give a practical refutation of their own arguments by their anxiety to extend those rules to foreign countries. Others, again, propose to handicap their foreign competitors by the re-imposition of import duties on manufactured articles. But how can it be more just to impose a tax on manufactured goods, for the protection of manufacturers or artisans, on the plea that such articles are made cheaper abroad, than on corn, for the sake of increasing the profit of the agriculturist and wages of the labourer, on the ground of unfair competition with virgin soils and less uncertain climes? Would it not be equally reasonable to prohibit the employ-

ment of foreign clerks, in respect of whom there is just now a great outcry, because they do good work at a lower salary than Englishmen? "Protection for ourselves, and free trade with every one else," is the cry of many who talked very differently of free trade when they anticipated nothing but advantage to themselves from it. The idea of a State being bound to give compensation or employment to those who are indirectly affected by changes in the general policy of the country cannot be entertained. If good for the working man, it is equally good for the owners of forests, of kelp islands, and many others whose property has been depreciated by legislation. And why should it not be extended to changes of fashion? Sudden and deep distress ensued when brass buttons ceased to be worn, when epaulettes were discontinued in the army, when helmets were substituted for policemen's hats. Selfishness, not patriotism, still less an enlightened view of political economy, is at the root of all such doctrines. At the same time it must, I think, be admitted that when we quit an independent course of action, and negotiate a commercial treaty with another country, or, in other words, make a bargain that in return for the remission of duties on their produce they will remit or reduce duties on ours, then surely it is no unreasonable complaint that we failed to secure as perfect a reciprocity as we might have done had we been less precipitate, and we cannot wonder at the discontent of those who believe that their interests have been overlooked. The general proposition that the consumer pays the duty is, no doubt, true; but that duty is injurious to the producer if it deprives him of a customer, or obliges that customer to purchase less than he would otherwise do. The famous treaty with France was highly beneficial on the whole, but it is alleged that its benefits would have been greater had not the exigencies of our Government by party, made the negotiators on our side eager to make the best bargain they could in a given time, whereas the French Emperor could not only afford to wait, but was not unwilling that his people should see and acknowledge hesitation on his part to give up what they considered an advantageous protection. It is plainly no answer to a class of men who consider themselves aggrieved, and who believe that a little less haste would have removed the grievance,—it is no answer to say that they, in common with others, share the general benefits of the policy.

Free trade is the normal condition of mankind, and the duty of a Government is not to develop the resources of a country, but to protect all its subjects in the fullest exercise of personal liberty and the rights of property, being assured that under

such circumstances the national resources will be more fully developed, and the national weal promoted. Though I have said that we cannot expect to retain our high commercial position, unless we preserve our character for energy and integrity, yet I must not be understood to feel much apprehension on this score. Transactions have no doubt too often taken place, not wholly consistent with the stainless faith of the British merchant, but that this faith still stands high, is proved by the employment of fraudulent devices by foreign traders for the purpose of passing off their wares as British manufacture. Foreign goods with false trade marks are shipped to England, merely to be sent out again with the clearance of the British Custom House. And it is said that in Hamburg there is a manufactory fully employed in forging the labels of one great English firm. Of all the errors in political economy, none are more common than those which proceed from too limited an induction, or generalizing from too few instances. To give an illustration—within the last few years Acts of Parliament have been passed affording greater facilities for limiting the amount of the capital staked in a commercial enterprise. It may have been necessary in former times that liability should have been unlimited, because there were fewer means of enabling the public to know the extent of the venture, and a man who could be trusted to declare his stake after the event, would be in the words of the old proverb, “*dignus quicum tenebris mices*.”* This law, however, was in the course of time felt to be so serious a check upon enterprise, that many contrivances were adopted for its modification, just as equity stepped in to temper the rigidity of the common law. Royal Charters and Acts of Parliament did at heavy cost, what can now be cheaply done by registration; under the shelter of one or other of these, almost all our greatest enterprises have been carried out. Reckless speculation is usually caused by the marked success of some legitimate enterprise. The needy, the avaricious, the ignorant rush in when the ground has already been swept bare. Recently the system of financing was imported from the continent, and carried on long after every avenue of fair and legitimate profit was closed. A general crash ensued: the

* A man with whom one can safely play at morra, or odd-and-even in the dark. *Micare digitis*, to play a game which consists of suddenly extending or closing the fingers, and, at the same instant, guessing each at the number of the other. This ancient game is still common in Italy. No one would play such a game in the dark, where the number could not be seen, except with a person in whom he had implicit confidence.

greater number of companies which failed were limited liability companies; hence the blame of the crisis was laid at the door of limited liability, but we are entitled to ask whether fewer companies would have been formed under the old law, and whether their collapse was owing to the new system, when we find how few were the instances in which the arrears of calls were paid up, and that in such cases therefore, it was of no practical consequence whether the liability was limited or not. Surely it is an arbitrary interference with the freedom of action, to say that a man shall not be at liberty to stake as much or as little as he pleases on a commercial venture. Moreover, it has been proved by bitter experience, that reputed wealth is a broken reed, and the failure of banks and other mercantile firms, might have shaken the trust of the most confiding in unlimited liability. Much mischief has no doubt been done, and many have been misled through good names being carelessly given by their owners, as patrons, vice-presidents, or what not, of insurance and other companies, and used as decoys for the unwary. This cannot be too strongly reprehended, but it is inconceivable that people should be found silly enough to fall into the traps of impostors who, professing to have the means of creating untold wealth, are disinterested enough to impart it to unknown individuals in remote parts of the country. The lines of Fielding on lotteries may well be applied to the bubble companies of the present day—

“ A lottery is a taxation
Upon all the fools in the nation,
And heaven be praised, it is easily raised,
Credulity's always in fashion.”

In these days, no one can complain that subjects connected with trade do not occupy their full share of the attention of the Legislature, and the public. How many bankruptcy bills have been introduced during the last ten years! most of them failures in consequence of having mixed up the punishment of fraud with the collection and distribution of the bankrupt's assets. How many Acts have been passed relating to Railways, Merchant Shipping, and Public Companies, and how often have these Acts been amended! How much discussion has taken place on the Patent Laws and on the Currency, in reference to which, as to religious disputes, it is easier to burn an opponent than to convince him! We have now raised again the abstruse question—What is a pound? A proposal has been made to take twopence out

of the sovereign in order to make it exactly equivalent to a French twenty-five franc piece, and for the purpose partly of preventing the export of coined gold, it is proposed to retain the original value of the sovereign in England by enacting that it shall purchase the same amount of bullion as before. There can be no doubt of the feasibility of this project. There is no more difficulty in giving circulation to a gold, than to a silver or a paper token, so long as the State is solvent; but unless the twenty-five franc piece could purchase the same amount of bullion in England, it would not possess the same value as the sovereign, and if it could, then the English Treasury would incur a ruinous loss, as it would be parting with bullion for coin of inadequate value from which it had taken no toll; nor would the new sovereign form an international coin current abroad, because it would pay better to convert it into bullion before export. The sovereign is now worth 113 grains of gold, and the coinage or stamp is simply an indication that it is so. As such it is received abroad on account of faith in our Mint. If this change be made the coinage will indicate that it is worth 112 grains, but that it would buy 113 in London, therefore it would be with respect to the difference not a payment but a promise to pay. By the sale of bullion for coin the Government could only lose in theory, what it had previously received. But supposing coin became redundant and there was a great demand for bullion for export, the Government might be sorely pressed, might have to pay a considerably enhanced price for bullion, and might be driven to melt down its own coins. The smaller the difference between the intrinsic value of the token, and the bullion for which it would be exchangeable, the less chance of this loss and inconvenience; which is a reply to those who suggest that the token might be made of a material of no value. But on the whole it may be questioned whether the advantage of the change would be commensurate with the confusion it must create. It may also be enquired whether the necessity of changing each new sovereign into bullion before using it abroad, or else submitting practically to a loss of 2*d.*, would not have the effect of depreciating the value of the coin even in this country. The plan of a payment of gold or silver in certain proportions at the option of either party, and of making the twenty-five franc piece worth twenty-five francs in silver which would be the exact equivalent of our present sovereign, may be well worthy of consideration, because in that case, even if the English sovereigns which are now exported were all melted down and not reimported, which is far from the fact,

we should be using foreign coins in return for those we send away. The idea of changing coins into tokens with a view to preventing their export, is not a new one. Many years ago Sir Ralph Woodford, when Governor of Trinidad, attempted the same thing by stamping a square hole in the silver dollars, and proclaiming that they were still to be taken at their old value. The result, however, was simply that the coin was depreciated, and exported as before, whenever the transaction was profitable.

We have seen that Aristotle left out of his purview the commercial classes, but almost to our own time sufficient thought has not been bestowed on the large class on whose labour the wealth both of the agriculturist and the merchant depends, and who again depend for their subsistence upon the capital which pays for their labour. Each relies upon the other, each can cripple and injure the other, but neither can do so, without at the same time injuring himself. This is eminently the case of the landowner and agricultural labourer. The moneyed capitalist has greater facilities for transferring his power of employment to places where it is less liable to interruption. The artizan, too, is more able to take care of himself. He receives ordinarily very high wages, and his migratory habits lead him to those places where they are highest, which tends to equalise artizan's wages over the kingdom, but unfortunately in the majority of cases he lives up to his income, and when he is more prudent, he too often entrusts his savings to clubs and benefit societies which fail just when he begins to rely upon them for assistance. The agricultural labourer is more fixed to the soil, and transports himself less readily from place to place, therefore his circumstances vary very much in different parts of the country.

In the south-west of England the population is in many places beyond agricultural proportions. Manufacturing interests, on a small scale, such as those of cloth, silk, or lace introduced for the most part by the French refugees have been well nigh extinguished by the gigantic factories of the North, but the population remains, and consequently pressure for employment, has led to a low rate of wages, causing a low state of existence. But it is a great mistake to suppose that the agricultural labourer is the mere brute that he is sometimes represented to be—

“ From the cheerful ways of men
Cut off, and for the book of knowledge fair
Presented with an universal blank,”

or that he is not as much the object of care and interest to those around him as other classes of his countrymen. The

condition of many of the large open villages is very bad, but not so bad as that of the slums of the great towns, within a stone's throw of palaces.

The rate of wages, whether in town or country, is regulated by supply and demand. There is no more valid objection to a man's paying the lowest wages for labour than the lowest price he can for the produce of labour. Yet many excellent people, who habitually do the last, declaim against the first. When occasionally charitable employers give higher wages than their neighbours, from motives of charity they probably do more harm than good in the long run. If they get a better article for the higher price, that is quite another question; no doubt they frequently do so. It is sometimes stated too that the labourers could not take such low wages, unless they lived part of the year on the rates. This means, I presume, that some can only find employment at certain times; but the employers who turn off their superfluous hands at the dead time of the year act precisely as the great farmers in the more thinly peopled districts, who depend upon a migratory class of labourers coming at those times when there is more work than the permanent labourer can do. It seems to me that there are only two legitimate modes of raising the wages of the agricultural labourer in a thickly peopled district, and that one will follow the other. I mean, emigration and machinery. Both are already in action. The census of 1861 records a great decrease in the agricultural population of the South Western Counties: that of 1871 will, I anticipate, show a still greater reduction. But when the population is so diminished that those who are left can command high wages, how is the farmer to meet the competition of the world, which is every day becoming more severe? Then, as in other industries, machinery will do the work for which starving wages are paid. And the employers will readily give an adequate remuneration for the skilled labour which is worth it. I hope that in this way we may do without the intervention of agricultural Unions. I should deprecate such an attempt to solve the difficulty. Such Unions must not only widen the breach between employer and employed in those unfortunate instances, and there are too many such, where the labourer is not treated with due consideration, but must create a breach where he is well cared for, living in a good cottage at a rent which makes a most inadequate return to the landlord for his outlay. I am not one of those who see unmixed evil in Trades' Unions, or even in strikes, but I do wish to avoid (and I believe I speak the sentiments of a majority of the members of

Trades' Unions themselves if they dared to avow them)- -I do wish to avoid the paid agitator, from whose mind I believe there is nothing farther than a good understanding between employer and employed. Like the Free Lances of the middle ages, he would perish in the midst of universal concord. "Pax Vobiscum," said a friar to Sir John Hawkwood. "Le diable t'enlève ton aumône," replied the condottiere; "ne sais tu pas que je vis par la guerre?"

Together with this skilled labour must come education. But what sort of education? Learning is not confined to book learning, and after the three R's which form, in these days, the necessary basis, and for which time must somehow be found, I should like to see such an education as would fit country lads for their station (I leave out of the question individuals of unusual ability, who will never want assistance to raise them above their station), such an education as would teach them the nature and properties of the objects amongst which they live and move, give them a better definition for half the animal creation than "vermin," and substitute humanity to those living creatures at their mercy, for that cruelty which is chiefly the offspring of ignorance and thoughtlessness. An interesting education, which could be illustrated and carried on in daily life, would induce farm lads to avail themselves of night schools, and other means provided for their intervals of leisure. But who is to teach them? Hardly the schoolmaster as at present trained, for whose ignorance on such matters the despised rustic has great contempt. Who is to inspect? Could all Her Majesty's inspectors of schools distinguish between the various kinds of growing crops, or even point out our different forest trees? We have, as usual, gone like the pendulum from one side to the other, and have taken a swing from illiterateness to pedantry. I once heard a school inspector ask the children in a country village, "Who was the Roman general afterwards an emperor, who died at York?" Another complained of the literary performances of a girls' school, and thought too much time had been spent on sewing. Payment according to results is the rule, and what are the results? You fill children with that little knowledge which is proverbially dangerous; you give them a taste for a spurious gentility which shows itself in disregard of parents, in fine airs, and smart, flimsy dress; you destroy their happiness in their own station without setting them for any other, and act as little kindly by them as if you fed them with chicken and rolls, and then sent them back to black bread and bacon.

Complaints are made, and I believe with reason, of the neglected state of many rural parishes, especially those with non-resident proprietors. I sympathise deeply with the clergy, who see the rising generation in such places growing up mischievous, ignorant, and ill-mannered. I feel most strongly that the clergy who work a parish ought not to be called upon, as now, to contribute largely to the various expenses; still less ought they to be driven to beg for the means of doing so. I quite admit that the voluntary system may be defined as one man's parsimony supplemented by another man's liberality, but at the same time, I dread the effect of sweeping away the present system. I believe that the education of the agricultural labourer, like his dwelling, is improving, perhaps not fast enough in some places; perhaps not at all in others; but knowing the value of personal influence in the districts in which it is exercised, I should be sorry to diminish the interest of volunteers, by a system of rates and of centralisation. Depend upon it, public attention is usually drawn to the existence of an evil by the efforts made to remove it. When we hear a general outcry against an abuse we may feel sure that it is already nearly extinguished. I am not, however, sure that some plan might not be devised, similar to that in force under the Sanitary Acts, by which, if the means of education in any place are so scandalously inadequate, as to create a dangerous nuisance, the central authority might, after due warning, supply the deficiency at the expense of the inhabitants.

Among the most potent causes of pauperism and obstacles to emigration in our rural parishes are the small endowed charities of which we have heard a good deal in and out of Parliament of late years. I marvel that the Legislature has endured these so long, and that when it limited the time for which a man might entail property on his own family, it allowed him to do so in perpetuity for that which is often at the time a doubtful good, and becomes almost always in the course of years a great harm. Is it not much better that every person should give according to his means during his life, than that he should make some one else give after his death? Let us do good in our generation, and not trouble ourselves about generations, which are, or are not, to come. What a misnomer is, too often, a munificent bequest. When I see this heading to a newspaper paragraph, I am reminded of that compassionate feeling which leads John to think that Dick ought to relieve Tom. These unlucky bequests abound throughout the country, and though it is now possible to apply

them to educational purposes, yet the trustees, excellent people many of them, are deterred by scruples of conscience, partly from the notion that such a diversion would be robbing the poor, as if giving a poor man what is best, instead of what is worst for him, could be robbing him; and partly out of regard to the wishes of the dead, which certainly ought not to be allowed to injure the living. In such parishes the lower classes lose enterprise and self-respect. Instead of exerting themselves to raise their condition by emigration or otherwise, they hang on to these wretched doles, the result being an unduly large population, increased poor rates, and a low state of morality.

The whole subject of emigration is closely connected with that of education as distinguished from mere book learning. When the question was proposed to the immortal Mr. Toots in "Dombey and Son," "What are we to do with our raw materials?" he suggested "Cook 'em." Now this is exactly what we have to do. We have an immense population, the raw material of labour, vast numbers of whom have no skill in any calling by which they can hope to earn a living. They therefore prey upon society as habitual criminals or habitual paupers to such an extent as to arouse a general outcry that this species of communism is becoming intolerable. Yet we learn from a recent report that although this army of paupers is consuming our substance and driving us to our wits' end, there is even in this country a deficiency of skilled labour. In the colonies this is so to a still greater degree. The labour market in most colonies is no doubt easily glutted, but if fed with moderation there is scarcely any limit to its capacity, but the colonists do not want refuse, nor do they want scholars. There is a story told in Australia of a squatter apologising jokingly to his guest for asking him to sit down to dinner with his shepherd. "The fact is," he said, "he is a graduate of Oxford, a pleasant companion, and I believe a good classic, though he is a very bad shepherd; he came out to make his fortune, but unluckily he could do nothing which anybody wanted done, and I found him almost starving."

Our colonial fellow-subjects ask us for good agricultural labourers, skilled artizans, good domestic servants. Can we supply them? I have heard of a Colonial Emigration Board writing to their agent in England to send out some good cooks. The answer was, "You might as well ask for elephants, they are quite as plentiful here." Emigrants who are worth having will be taken off our hands only too quickly. Here is work for the Trades' Unions. If, instead of the selfish

wasteful policy of limiting apprentices, and paying men to sit idle, they encouraged this kind of technical education, and induced the superfluous members of their societies to emigrate, they would be creating fresh employers and customers, and would indeed be benefitting their country as well as themselves. As to the unskilled masses I can only suggest that they should be assisted to emigrate out of the national funds; neither parishes nor unions can do much, because it is clear that under the present laws fresh paupers would flock into such places, and moreover the cost would fall on real property alone. It is truly a national object, and I think much might be done gradually by the Government at no great expense, by utilizing ships lying idle, or by taking advantage of the frequent dispatch of vessels on Government account to Colonial ports. I trust that any such plan may be accompanied by a war of self-defence against the habitual pauper. We have somewhat retrograded in this matter. Edward VI. gave Bridewell, at the request of Bishop Ridley, for the punishment of sturdy vagrants; and old Fuller said truly, that "the house of correction was the fittest hospital for those cripples who were lame through their own laziness." Whereas we appear to give systematic encouragement to vagrants, we have supplemented the voluntary refuges of London, which draw annually immense sums from the public, by our casual wards. We are told that the majority of those who obtain a night's lodging in these wards belong to that class who ought to be punished rather than relieved; hence the London parks are defaced in the summer by vagrants who lie idly about, relieved from all anxiety respecting supper and bed. If a man will not work neither let him eat. If we did not waste so much upon the sturdy plunderers of society, we should have more to spare for the comforts of the aged, the cure of the sick, and the separate education of children. We have heard lately that there are no able-bodied paupers in the Liverpool workhouse, and in Gloucestershire, Mr. Barwick Baker has been the persevering advocate of a plan for the suppression of vagrancy, which might well be made general. I could almost wish that some means could be devised of punishing the so-called charitable people who give way to the selfish habit of indiscriminate almsgiving, especially as an example in the neighbourhood of London shows how much may be done by a proper organization of volunteers, working harmoniously with the constituted authorities in suppressing this crying evil of mendicancy and professional pauperism. Even the most necessary relief should be so given as to avoid, if possible, that demoralization and loss of

self respect which almost invariably follows the habitual receipt of alms. The French say, in their epigrammatic manner, that charity creates half the poverty it relieves, but does not relieve half the poverty it creates. An anecdote is related in Seville of a tailor who, having injured his hand, was reduced to beg in the street. On being commiserated for his altered circumstances, he replied "that he did consider himself an object of pity, for he had wasted twenty long years in work, which he certainly would not have done, had he known how much pleasanter and more profitable it was to beg." This is no worse than well paid workmen, during a severe winter in London, deliberately abandoning their employment for the purpose of begging in the streets, on pretence of being frozen out gardeners or watermen. I understand that the money collected from foolish people on these occasions is enormous, and of course not too well spent.

I have thus endeavoured briefly and inadequately to touch upon the points selected for this year's discussion from the wide field of economy and trade.* It is manifestly the interest of all classes in the community that erroneous views respecting these important subjects should be detected and refuted, but it is especially important that the working classes, who are so rapidly attaining knowledge and power, and whose daily comforts depend so much upon true policy in these matters, should imbibe sound doctrine, and not follow the false lights of impracticable visionaries. I own to considerable disappointment, on seeing that the basis, or platform, to use a modern expression, on which the International Congress of Working Men take their stand, is communism. They must have read history, even the most modern history, to very little purpose if they do not see that this is a system which not even revolution can establish for any length of time. Society will not have it; a country will rather deliver itself up to an armed despotism than submit to what it deems so intolerable an evil. These errors arise from ignorance of the primary truth that the right of private property, like that of personal liberty, is a right earlier than all law, not the creation of it; that the law is not its source but its guardian, and that every such attempt to subvert it recoils on the heads of those who make it, and retards the real progress of the working classes by

* 1. In what respect may the administration of the Poor Law be improved?

2. Is it desirable that State aid should be given to Emigration, and if so, in what form?

3. How may the condition of the agricultural labourer be improved?

placing them in antagonism with the power and wisdom of the community.*

I trust, however, that this is merely a transitory effervescence, like the bubble which here and there momentarily arises on the smooth surface of the flowing river.

I am too much of a Conservative to admire change for its own sake. I confess to a certain reverence for old fashions and observances, but at the same time I have a strong feeling that the progress which we cannot arrest, though we may in some degree direct it, is for good. I believe that no one can examine history carefully and dispassionately without being convinced that each generation is better and happier than the last. I think that no Englishman or Frenchman would wish for the return of such golden ages as the reigns of Elizabeth or Francis I., whose reputation proves how monstrous must have been the condition of society on which they were an improvement. I dare to look forward to the time when the industrious classes will not be mulcted of so much of their substance for the habitual pauper, when the Union will less often be the refuge of the worn-out agricultural labourer, and when England will be the centre of a network of nations sprung from her soil, and speaking her language, united with her in maintaining the peace, and promoting the commerce of the world. We may each of us act our part in this great drama, and we shall act it all the better if we are thoroughly disinterested, doing our work because it is the right thing to do, not because we wish to see the result, to have our names associated with it, and—

“To read our history in a nation’s eyes.”

Great objects hastily carried out are frequently marred by great mistakes. We are too apt, like children, to dig up our seed, in order to see whether it is growing. Such is not the character of those who plant the oak for posterity. I know nothing grander than the reply of the late Sir James Brooke, Rajah of Sarawak, to the objection that it would take generations before the pirates of Borneo were transformed into a peaceable, commercial community, and I cannot conclude my address better than in his noble words. “How short and insignificant appears to me the lapse of a few generations when we consider the end to be attained; we shall have passed away, but we shall pass away with the full conviction that our successors will reap the fruit of the tree we have planted.”

* See “Political Opinions of Richard Cobden,” by Sir Louis Mallet, p. 7.

SELECT PAPERS,
NOTICES OF PAPERS,
DISCUSSIONS,
ETC., ETC.

JURISPRUDENCE

AND

AMENDMENT OF THE LAW

INTERNATIONAL AND MUNICIPAL LAW.

ENGLAND AND HER COLONIES.

What ought to be the Legal and Constitutional Relations between England and her Colonies? By J. E. GORST, Barrister-at-Law.

THE relation between England and her colonies is not like the relation between parent and child. The first settlers in a new country, so far from being children, are more fit than ordinary men to manage their own affairs. Their ingenuity is constantly exercised, and their capacities improved, by the strange conditions which surround them. They have a better chance of choosing the best leaders, and judging of their fitness to govern; because their numbers are few, and the wisdom or folly of measures is quickly and clearly tested by results.

Considering, therefore, that the leading colonists are likely to be men of as great general ability as English Secretaries of State, and that the former have a better knowledge of colonial affairs, and more interests at stake in their good management, it is obvious that to compare colonists to children and the Secretary of State to a mother is absurd, and that theories of colonial government based thereupon must be erroneous. If the fitness of colonists to manage their own affairs from the outset be recognised, the traditional policy of the Colonial Office, which is to keep all colonies in a condition of tutelage as long as practicable, must be done away with. The relation from the first must be a relation of equality. In affairs that are strictly colonial, the colonists must be free: the Colonial Office must restrict itself to providing for interests which are imperial. The difficulty of defining colonial and imperial interests remains. But a recognition that there are matters with which the Colonial Office should not meddle would much abridge the mischief of official interference.

The theory upon which the colonies are now managed seems to

be, that until a community is numerous and powerful enough to force a grant of representative government, it is quite unfit to have any voice whatever in the management of its own affairs, and had better be cared for by officials. In what are called Crown Colonies there is a council appointed by the Colonial Office, which in concert with the Governor nominally frames laws and levies taxes. This council ought to represent the colony. It should be the embryo of a future free Parliament. The Government ought to select as its members, not those who possess their confidence, but those who possess the confidence of the colonial public ; so that the colony may afterwards, when the proper time comes, pass into the stage in which there is a real Elective Parliament, without violent revolution. The members of the council ought to vote according to their real opinions ; their resolutions should be accepted as the expression of the colonial will, and should in colonial matters be final. But the Colonial Office has such a horror of colonial freedom, that the council is in most instances made a sham. Few independent men are allowed to sit. A good working majority of officials is secured, and these are commanded to vote, not according to the opinions derived from their experience in the colony, but according to instructions given to them from Downing Street. No deference is paid to the resolutions of the council. For instance, in the case of Ceylon, which is made to pay 170,000*l.* per annum for military defence, the council, nearly two-thirds of which are officials, having regard to the wants of Ceylon alone, think the number of troops stationed in the island too great. The Secretary of State in London, desirous of maintaining a strong garrison in a spot so central with reference to India, China, Australia, and the Eastern Seas, over-rides their opinion, and instructs them to vote the full amount out of the revenues of Ceylon. Surely the colonists are the best judges what troops are necessary for their defence. If the Imperial Government keeps troops in Ceylon for imperial purposes, the empire and not the colony should pay.

The effect of such official tyranny is commonly to drive the colonies prematurely into representative institutions. It is the only way in which a colony can emancipate itself. Any government on the spot is thought better than a government in Downing Street. Colonies have thus been compelled to betake themselves to elected parliaments long before their circumstances had become adapted to this form of government.

This arbitrary government is the more mischievous because it is the government of an office, and not of the House of Commons. No department is so entirely exempt from the control of Parliament as the colonial. There is in England no public opinion on colonial affairs. The subject is one on which constituents are indifferent ; the time and study necessary to understand colonial questions are required for matters on which elections, and, therefore, party and patronage depend. Without much discretion and management, a colonial question is counted out. The debate, if it comes on, is of one pattern. A statement is made by certain colonists through the

mouth of a Member of Parliament; an answer is given by the clerks of the Colonial Office through the mouth of a Secretary of State. Two or three members who wish to appear to take an interest in colonial affairs make a few common-place remarks, carefully avoiding, if wise, the statement of any definite fact. Not a dozen members are present, and the House is only "kept" in anticipation of some more interesting discussion that is to follow. If a division is taken, the Government whip brings in supporters for the Office from the dining and smoking rooms, who are as ignorant of what they are voting about as the whip himself, and thus secures an enormous majority. That is how colonies are governed by the House of Commons.

Having thus tried to vindicate the right of colonists to the management of their own affairs from the outset, I must, as a logical consequence, concede a liability from the outset to pay the whole cost of their own maintenance and defence. The privilege of self-government necessarily entails the obligation of self-defence. No people have a right to mismanage affairs and then call upon others to defray the expenses of their error; and those who are called upon to pay cannot be refused a voice in the policy upon which the amount of expenses depends. Every free colony must fight its own battle with its own enemies, whether rebel or alien. The particular case of New Zealand, which now occupies public attention, is a peculiar one. If the Imperial Government had never meddled in Maori affairs, those affairs would, no doubt, be a matter for the colonists to manage at their own discretion and cost. But the case of the New Zealand colonists is, that Maori wars have arisen quite as much from the injudicious interference of the Imperial Government as from any errors of their own—that England has no right to leave the colony to struggle alone out of difficulties which she has helped to create.

Under circumstances so peculiar as those of New Zealand a colony may have a special claim to imperial assistance. But the help ought to be so given as to prevent a repetition of the confusion and mismanagement of the past. The colonists ought not to be encouraged to pursue fresh schemes of conquest. No additional troops should be sent out, and those now in New Zealand should be promptly withdrawn. The colonists know far better than we can what policy will restore peace. A subsidy or a guarantee, which they can spend as they think fit, will discharge the obligation of England better than a loan of troops, who will be useful for warlike purposes only, and who will re-introduce into New Zealand all the evils of double government and divided command.

In conclusion I must vindicate the principle of colonial freedom from the charge of involving the dismemberment of the British Empire. Freedom is not necessarily separation. In America the independence of the States is not found inconsistent with the maintenance of the Union, and there is no reason why Great Britain, and the other enfranchised countries which acknowledge the sovereignty of the

Queen, should not continue in one free confederation. Two conditions are indispensable:—

- (1.) Such a union must serve some common purpose of practical interest to its members, and not a mere insincere sentiment. A common code of law, variable to a certain extent by local enactment, or a common organisation for military or naval defence, is an illustration of the sort of object for which union is desirable.
- (2.) Each member of the Empire must have a fair voice in the Imperial Councils.

What right have the electors of Great Britain to govern the Queen's subjects in Australia and Canada? Is not the colonist of New Zealand as truly a free Englishman, as the citizen of London or Bristol, and has he not therefore as much right to a voice in the councils by which Her Majesty's Imperial Government is directed? In the present day these questions are beginning to be asked, and if the unity of the British Empire is to be preserved, some scheme must be devised to reconcile the freedom of the members with the unity of the body.

On the Same. By THOMAS HARE, Barrister-at-Law.

I WILL add a word of preface, to express the spirit in which I approach the subject. I yield to no one in a desire to preserve the integrity of the empire. I trust it is no narrow sentiment, nor inconsistent with the claims of mankind, to have a special regard for one's own country, and a desire that it may retain its dignity, and the place which the enterprise and energy of its sons have won among the nations. A native of Canada, of Melbourne, or of Middlesex, in whatever country he may travel, or among whatever people he may find himself, might be justly unwilling to part with his birthright, the right of being regarded as a subject of the British Empire. Even the Apostle of the faith that is no respecter of persons felt it not unworthy of his character or functions, to assert a title to the respect which was his due as a "citizen of no mean city."

The principle with which I set out is that the basis of the Imperial Union must be one of entire equality. In theory and name our Government is monarchical; in truth and practice it is Parliamentary. If it were literally and practically a monarchy in which the conclusions of State, and the selection of officers of the highest trust, emanated directly and personally from the sovereign, the inhabitants of Sydney or Toronto would be in the same position as the dwellers in London or Liverpool. They would be equally subjects of the same prince, and equally bound to accept his decisions. But we know the age of such monarchies is past. It is mere folly to allow the actual facts to be obscured by the theory. It is the

Prime Minister of England who "shapes the whisper of the throne;" and the Prime Minister is in effect nominated by the majority of the House of Commons. Even if their choice were always to fall on men fit to rule, the inhabitants of other parts of the empire, inspired with an equal share of the feeling of independence which is the characteristic of their race, cannot be expected to acquiesce blindly in that selection, or to be content with an authority imposed upon them by an external force, as to which they have never been consulted or their consent asked. When, in addition to this exclusion of British subjects beyond the sea from all participation in the great work of Imperial Government, we look beneath the surface and discover (as it is daily more impossible not to do), the manner in which seats in the House of Commons are obtained, and the character and motives which the system tends to foster and encourage, it must be very difficult for any thoughtful colonist to be satisfied with a supreme authority so constituted, and which he and his countrymen are powerless to amend or even usefully to protest against. It can hardly be otherwise than a matter of bitter humiliation to an inhabitant of the Dominion or the Southern Continent, having some pride in his country, to feel that the appointments to the greater offices, its international privileges and regulations, the ultimate admission or rejection of its legislative measures (that is, the determination whether they shall or shall not become law), the appointment of judges on appeal, and all the functions of Supreme Government in the last resort, depend in no degree on the opinions or wishes of his countrymen, but on ministers evolved from the political depths which are disclosed in our election trials and inquiries. His self-respect and sense of national dignity may reasonably and justly lead him to demand for the ministry chosen by his own representative assembly an equal voice in the imperial councils.

The despatch of the Colonial Secretary addressed to Lord Sydenham on October 14th, 1839, which, so far as I know, has never in principle been retracted, will show how far we recognise the true constitutional position of the monarchy. The colonial minister thus addresses the Governor of Canada:—

"The power for which a minister is responsible in England is not his own power, but the power of the Crown, of which he is for the time the organ. It is obvious that the executive councillor of a colony is in a situation totally different. The governor under whom he serves receives his orders from the Crown of England. But can the colonial council be the advisers of the Crown of England? Evidently not, for the Crown has other advisers for the same functions with superior authority. It may happen, therefore, that the governor receives at one and the same time instructions from the Queen and advice from his executive council totally at variance with each other. If he is to obey his instructions from England, the parallel of constitutional responsibility entirely fails; if, on the other hand, he is to follow the advice of his council, he is no longer a subordinate officer, but an independent sovereign."

The constitutional theory which the minister thus felt himself compelled to put forward reduced him to the lamentable necessity of penning a despatch, which, unconsciously to the writer, was utterly disingenuous in fact and narrow in spirit. It first throws a kind of mist over the subject by substituting a high-sounding theory for a practical truth; for in what degree could it be pretended that the sovereign really exercised any personal volition? It then puts aside the claims of the colonial ministers to be the advisers of the sovereign, not because they were incompetent to give such advice, to say nothing of the fact of their far better and more thorough acquaintance with the subjects to which it must relate, but by interposing the assumed superiority of the ministers at home, because "the Crown has other advisers for the same functions with superior authority." It is like the language of a favoured domestic, jealous of the access to his master of other servants whom he is addressing. It would seem that the old spirit of the ante-chamber still lingered round the throne, the traditional feeling that within that hallowed circle none must enter but through the traditional avenues. This spirit, if it still exists, must be entirely swept away if our institutions are to be adapted to the times in which we live. I am sure there is in the people of England no sympathy with this jealousy. I do not believe we should find half-a-dozen thoughtful persons in Bristol who, in any great question affecting the interests of Canada, for example, would not feel greater confidence in the wisdom and prudence of the national counsels from the fact that ministers of the Federal Government of the Dominion were the direct and joint advisers of the Crown, and who would not be glad of their admission to the council of the Home Government.

The earliest proposal for creating constitutional equality was that of Adam Smith, that the colonies should be represented in the British Parliament. This has often been repeated, but I pass it by as impracticable, as involving constitutional changes, the recasting of our representative system, its constant adaptation to the new growth of colonial population, and other changes of vast importance for which the public mind is wholly unprepared. Looking, indeed, at the increasing facilities of access, I will not venture to say that time will not come when even this vast change may be accomplished. It must be preceded by a separation of imperial from local questions, by the constitution, in these islands and abroad, of local governments which can be entrusted with all local legislation, the labours of the Imperial Parliament being reserved for questions of imperial moment. I can only regard this, however, as a dream of the possible future. The exigencies of the present time, and so long as we can look forward, would be satisfied by the introduction of new elements into the composition of the body in which, under Parliamentary government, administrative power is practically deposited—that is, the cabinet. Let it be immediately open to every one of the self-governed communities, through its constituted ministry, to present to the Crown any member of such ministry, to be nominated by Her

Majesty as her Secretary of State for the affairs of that country ; the minister* thus appointed would reside in London, and form a constituent part of the British cabinet. He would be present at the discussion of all imperial questions, be one of the Privy Council, and be in all respects on an equality of rank with other members of the cabinet. He would be in constant communication with his colleagues in the colony, and would convey to them, and to the royal cabinet of which he is one, their respective views and opinions on public affairs. The nomination to this office, which would introduce the colonial statesman into the field of national politics, would be a new and not unworthy object of ambition. Continuance in the office will necessarily be subject to such changes as may be determined upon by the local cabinet of which he is a member, but not to changes in the home cabinet. From the time of his appointment the business of the country of which he is the Delegate will be wholly withdrawn from the office of the Secretary of State for the colonies, whose functions will be confined to the Crown colonies, and to such of the others as have not thought proper to take upon themselves the direct and independent conduct of their affairs. The new relations will not therefore be forced on any colony ; each will take its own time for assuming its share of imperial duty and responsibility.

The British capital would thus be the seat of a body of delegates from various parts of the empire, and from every quarter of the world. The changes taking place from time to time by the formation of new colonial ministries in some places during the continuance of the same government in others and at home, while they would preserve a continuity of the general and settled policy, would also be calculated to introduce new and valuable elements of instruction, beneficial to the public councils. Not only would the advice and knowledge thus always brought to hand be of advantage to the general policy of the kingdom, but each colonial minister would carry back for the service of his own country the benefit of his European experience. It is impossible to calculate the benefit which might constantly flow from all questions of general importance—as of tariffs, of the comity of laws, and of the relations with distant powers—being thus considered in the various lights in which they would be presented by the inhabitants of distant hemispheres.

It must also of course be open to each community to regulate its internal laws and administration according to its own judgment. Yet there may be local questions—such as watchfully guarding against the institution of slavery in any of its modified forms, settling the conditions of importing labourers of other races, and the protection of aboriginal inhabitants—which may also be important to the general interests of humanity. On such questions it is not necessary that the Crown should be exclusively guided by the minister of any colony in particular. These are matters

* Or more than one, if the affairs of the colony were thought to require more.

on which the whole cabinet may be consulted, and in which the Crown may act on their combined advice.

The maturity of condition thus recognised involves also the selection by each colony of the representative of the Crown within it. The Governor-General, Lord-Lieutenant, or President, will be nominated by the ministry for the country in which he is to preside, and be presented to the Crown for appointment by their Secretary of State. The terms and conditions of his office, its duration and the extent of his powers, will all be determined by the Colonial Parliament, without interference by the Home Government. The special interest which may grow up in each division of the kingdom from this opportunity of marking and singling out for this distinction the most eminent subject either in their own or in other parts of the empire, or, if they should at any time prefer it, a prince of the blood, may be a stimulus and encouragement to independent action of no small value.

Equality of position in the empire of course involves also the power in the colony of dealing with its Legislative Council or Upper Chamber, whether by the appointment by the local cabinet of new members, by conferring the legislative office for a term of years, or for life, by making it wholly or partially hereditary, or by the abolition of a second chamber altogether. The colonies will also constitute their Supreme Courts of Judicature on Appeal according to their discretion. It involves also, wherever the local government may think it expedient, the appointment of consuls in foreign ports, or diplomatic agents whenever occasion shall arise. This field of employment we know is frequently accepted and even sought for by some of the most eminent persons in the United States. If it be preferred, the same object may be attained by attaching to the British embassies at foreign courts temporary or permanent secretaries, to be the medium of direct communication, either through the British ambassador or otherwise, or by accrediting the diplomatic agents of the Imperial Government with special powers, or giving them special instructions. It involves also the distribution of the honours of the Crown to public servants or others as freely as the power now exists in the Prime Minister. We shall thus, as it has been well said, "convert into a dignified alliance that which has hitherto been an undignified, because an unreal, subserviency."

The solitary exception to perfect equality will be the fact that the seat of the sovereign and the supreme government will be in England. This prerogative of age will, I think, be willingly conceded by all the subjects of the British Empire to their ancient capital and home. The empire will be thus bound together by the most powerful elements of social union and stability, a feeling of common interest as living under the same government, looking back to the same history, feeling that they are one people, that their lot is cast together, and that evil to any of their fellow countrymen is evil to themselves; and, above all, by an attachment to those principles of individual freedom and political and social equality which prevail in

all their institutions.* The character and aspirations of men in public life will be elevated. The statesmen of the colonies, instead of having their attention confined to the comparatively narrow questions that concern none but local interests, will be led to extend their views to subjects of international importance, and to matters of policy affecting the world at large, and will be enabled to measure and adjust their own place within it. The theoretical character of the monarchy is preserved in all its integrity. The power of the Crown and the constitutional restrictions upon it are increased in the same degree. The Crown still remains the fountain of honour, the central point of authority, and the practical bond of union: the foundations of true loyalty to the sovereign are thus unchanged.

The constitutional changes arising from this establishment of equality will be the work, not of one legislature alone, but of each representative government proceeding according to its own views of the interests and opinions of the people. No Act of the British Parliament would probably be necessary. I apprehend it will be a sufficient indemnity to the ministers of the Home Government, by whom the change is inaugurated, if the new relations adopted be communicated to Parliament by a message from the Crown, and thus receive a State recognition.

I will, in conclusion, consider what might be the operation of such an union in some cases of possible difference of action in questions of great moment. We have an instance of diverse action arising between representative bodies not under superior control, in the case of the Regency Bill, caused by the king's incapacity in 1788. One party in the English Parliament asserted the absolute right of the Prince of Wales to the Regency, and ridiculed as a metaphysical distinction the principle asserted by their opponents, that it was only an irresistible claim, and that the Parliament might therefore impose limits on his power. The English Parliament, however, adopted the latter view, while the Irish Parliament called upon the prince immediately to take upon himself the government of the kingdom—an address which the Lord-Lieutenant, the nominee of the English ministers, refused to transmit, and which was therefore presented to the prince by persons specially commissioned by the Irish Parliament for that purpose. There could be no such collision where the highest functionary of the local government had been in effect nominated by the people of that country, and the free action of each member of the empire would be found sufficient to obviate any general inconvenience as a consequence of the royal authority being temporarily deposited in different hands. Take, again, the case of a dispute with a foreign power, deemed, let us suppose, by the cabinet and people of England to be sufficient to justify hostilities in Europe, but which may not be so regarded in Canada or Australasia. We all remember the efforts of Mr. Cobden to establish the principle that belligerent rights should not be exercised,

* "System of Logic," by J. S. Mill, Book VI. cap. x., § 5 (5th ed.)

or, if exercised at all, should be reduced to the strictest limits against non-combatants. We know the support which he received, and the dissent which the principle has encountered. I confess that as narrowing the field of warfare, and therefore its calamities, I cannot help concurring in it. In former times the extent of area over which the suffering of a state of war extended might have had the one beneficial effect of diminishing its duration, but with the new arms of precision and rapid execution, it is not likely that wars will hereafter be greatly protracted. Now, it is not impossible to suppose that in the event of a war between England and Russia, or France, it might be as little an object of desire with either belligerent as with the colonists of Canada or Australia that the field of warfare should extend to those countries. A condition of union such as that which has been suggested, enabling any portion of the empire in other quarters of the world to communicate, whenever its government thought necessary, with a foreign power as well as with the government at home, might, in many cases at least, lead to the acceptance of its neutrality. I confess I see no more difficulty in this than in Mr. Cobden's principle, which was not only advocated by the American Government, through Mr. Marey, but has since been actually applied in the Austro-Italian war of 1866—that of fighting at sea and besieging military arsenals, while carrying on peaceful intercourse with the enemy's commercial ports. War is happily not a perpetual condition. There is nothing in the abstinence of a colony from the temporary strife inconsistent with sympathy with the members of the empire engaged in it, with reprehension of the aggressor to whom the calamity is owing, with hopes that justice will triumph, with rejoicings at the success of their countrymen, and at the return of complete fellowship on the restoration of peace. It seems to me that this friendly but not blind alliance, and the counsels to which it would lead, may do something to promote the continuance of tranquillity in the world.

I advert to these cases of diversity of action to illustrate the possible operation of such extreme cases of the independent union suggested. They are of course no necessary incident or consequence of such relations. They may occur under any form of federal combination. My object is only to show that such a bond of union would be elastic enough to allow of temporary divergence of policy on great occasions, and a cordial return to the fraternal connection in the fullest degree when the cause of difference came to an end.

On the Same. By JOHN NOBLE.

THE existing controversy upon the relation of Great Britain to her colonial possessions has hitherto been conducted mainly from a colonial point of view. The advantages of the colonies to this country, and the duties which we owe towards them, have been

largely dwelt upon, while but little has been said of any corresponding advantages enjoyed by, or obligations due from, the colonies. Attempts have been made to show that the greatness and prosperity of this country would at once decline were her colonies declared independent, that our commerce would vanish, and that our manufactures would perish. On the other hand moral obligations have been urged, as though the taxpayers of this country were for ever to be saddled with the expense of defending prosperous communities, because they were originally established by settlers from these islands. It must not be overlooked that by Great Britain we mean the aggregate of individuals of which the country is composed, and that the real question at issue is whether there are any substantial advantages or moral obligations which justify the imposition of exclusive burdens upon the people who now reside in these islands for the benefit of their fellow subjects who inhabit the more distant parts of Her Majesty's dominions. It is with the view of laying before the Congress this aspect of the question that the following paper has been written.

It has been the habit of writers upon colonial topics to urge the importance of these possessions because they secure for Great Britain a very large trade, which would otherwise be diverted into other channels. It cannot, however, be imagined that, under the present free trade system, the colonies send their produce here for any other reason than the obvious and common sense one, that this is their best market; nor, on the other hand, do they purchase goods from Great Britain which they can obtain cheaper elsewhere. As, however, the argument may have some weight, it may be well to see what it is worth. In a paper read recently before the Society of Arts, it is stated that one-third of our exports go to our own dependencies. This result, however, is arrived at by including the value of our exports to India, which is in no sense a colony, but a dependency held by right of conquest and force of arms, and made to defray the entire cost of its government and defence. It is not inhabited by an Anglo-Saxon race, it is not governed from the colonial office, and is in every respect an exceptional possession. Excluding India, it appears that the value of the goods exported to the British colonies is only one-seventh of our total exports. Nor is this the only unsatisfactory feature of our colonial trade; it appears from figures quoted in a memorial recently presented to Earl Granville, from the Manchester Chamber of Commerce, that the increase in the value of our exports to foreign countries in 1867 over 1853, was 100 per cent., and to British India 198 per cent., while the increase to the other British possessions was only $7\frac{3}{4}$ per cent. During the same period, in addition to the natural growth of the population, nearly one million emigrants left these shores for the purpose of settling in our distant possessions, a circumstance which renders the small increase in the value of the exports to the colonies the more remarkable. The following table, compiled from the last number of the statistical abstract, shows the relative position of our foreign and

colonial trade during the first and last quinquennial period of the last fifteen years, for which the returns are complete :—

IMPORTS.—REAL VALUE.

From—	Average of 5 years, 1854-58.	Average of 5 years, 1863-67.	Average excess of 5 years, 1863-67 over 1854-58.	per cent.
	£	£	£	
Foreign Countries	125,069,468	196,241,516	71,172,048	57
British India ...	14,848,739	40,848,739	25,274,375	170
The Colonies ...	24,262,659	36,718,747	12,456,088	51

EXPORTS.—REAL VALUE.

To—	£	£	£	
Foreign Countries ...	94,326,601	164,060,826	69,734,225	73
British India ...	12,117,012	20,784,559	8,667,547	71
The Colonies ...	25,094,351	33,767,136	8,672,785	34

It does not appear from these figures that, so far as our direct commerce with the colonies is concerned, we derive any advantage in return for the expenditure incurred on their behalf. If the profit upon our export trade to the colonies, during the five years ending 1867, is estimated at 10 per cent., it will be seen that it does not defray the amount expended by British taxpayers for colonial purposes in troops alone, to say nothing of the cost of the naval armaments required for the defence of the colonies.

Another alleged advantage of our colonial possessions is the relief they afford to the labouring classes of this country by opening a field for emigration. Here again statistics show that, in this respect, the colonies seem to offer no peculiar inducements. During the fifteen years ending 1868, the number of emigrants from the United Kingdom was 2,705,141, of whom 251,349 went to the North American Colonies; 1,778,130 to the United States; 584,220 to Australia and New Zealand; and 91,442 to other places. It appears from these figures that nearly three-fifths of the emigrants select the United States as their place of residence in preference to any of our own colonies. If this were not the case it would be very difficult to advance any satisfactory reason why prosperous colonists should be defended at the expense of the hard working, and, in many instances, badly paid and ill-fed population of the United Kingdom.

If the condition of the people of this country is compared with that of the colonists we shall discover some startling contrasts. The amount expended in England and Wales, during the year ending Lady Day, 1868, in actual relief of the poor, was 7,498,059*l.*, being 414,718*l.* in excess of the entire customs' revenues of the British colonies. According to the latest returns the number of paupers in

receipt of relief in the United Kingdom is above 1,240,000, nearly equalling (within 27,000), the entire population of the Australian and New Zealand colonies in 1861. Just above the line of actual pauperism we have a large population, struggling for bare existence, and paying not only the local taxation necessary for the support of the poor and other purposes, the imperial taxation required to provide for the government and defence of the country in which they reside, but, in addition, providing for the expense of naval and military armaments for the protection and defence of distant colonists, who are perfectly able to bear the cost themselves. If we look at the actual amount of taxation levied per head in this country as compared with the colonies it will be found that the balance is largely in favour of the latter. At first sight it appears to be the reverse as far as some of our colonies are concerned. In Australia, for example, the total revenue is above 10,000,000*l.* or nearly 10*l.* per head, but when the details are examined it is found that of this sum by far the larger portion is expended upon railways and other productive works, which in this country are provided for by private enterprise. For purposes of comparison with the revenues of this country these items must be deducted, when it appears as far as can be ascertained from the imperfect returns laid before Parliament, that the amount raised by taxation and other usual sources of government revenue is about 2*l.* 17*s.* 4*d.* per head, while in the United Kingdom the total burden of taxation, imperial and local, is fully 3*l.* per head. In the North American colonies and the West Indies the taxation is less than 1*l.* per head, and in the remaining dependencies of the empire the burden is invariably smaller than it is at home. It cannot be seriously argued that there is any justice in taxing for the benefit of the colonists the tea, sugar, coffee, and malt consumed by the working classes at home, thus inflicting upon them a double disadvantage by increasing the price of commodities which they largely consume, and by maintaining a large proportion of the existing restrictions upon importation, limiting the demand for their labour and preventing the advance of wages, which would infallibly result from increased freedom of trade.

The evil and injustice of the existing system, as respects the operatives of Great Britain, are aggravated by the fact that colonial legislatures levy duties, in many instances avowedly protective, upon British produce and manufactures. The idea that the United Kingdom and its colonies form portions of the same empire, however useful it may be in urging the demands of the colonists, is ignored in framing their tariffs. For revenue purposes the Englishman is a foreigner, whose produce is taxed for the benefit of the rising industries of the colony. Such a policy is a mistake, so far as the real interests of the colonies are concerned; it hinders, instead of promoting, the development of their wealth; it imposes an additional disadvantage upon British producers, already taxed for their benefit; it is a virtual denial that Great Britain and its dependencies are

one empire. A reference to recently published statistics * shows that there are not less than thirty-four different tariffs in force within the limits of the British empire. In three of our possessions, the Straits settlements, Hong Kong, and Labuan, no import duties of any kind are levied; in St. Helena, Gibraltar, and Malta none are levied upon British manufactures; in the remainder, duties, more or less burdensome, according to the fiscal policy in favour in the respective colonies, are imposed upon the produce of their fellow subjects before they are allowed access to the colonial market. If the taxpayer of the United Kingdom is required to provide for the defence of the colonies, he has surely a right to demand perfect freedom of trade with their inhabitants.

It is true that the high authority of Mr. John Stuart Mill has been alleged in support of protective duties in the colonies. A reference to that portion of his writings in which the passage referred to occurs will, however, convince any candid inquirer that his argument is inapplicable to the existing colonial tariffs. In the first place, Mr. Mill does not declare positively in favour of protective tariffs under such circumstances, but merely states the ground on which they may be defended. Then he merely justifies the course in very exceptional and special cases, even requiring that every distinct manufacture seeking protection should show valid reasons for claiming exception from the principle of free competition, and, lastly, merely consents that in any case protection should be afforded for a limited time, at the expiration of which the manufacture must be exposed to free competition. In fact, the case he supposes is rather the concession of an experiment than an argument in favour of protection. It would, however, be very difficult to adduce examples of manufactures being effectually fostered by any such process. It has been proved, on the clearest evidence, that our most highly protected manufactures were the least flourishing, while in the United States, at the present time, the result of a long experience of such a system is seen in the demand for additional protection now being made by their manufacturers. If, moreover, it could be allowed that such a departure from the principle of free trade is justifiable, as Mr. Mill concedes, in the case of a young nation, it is utterly impossible to admit that protective duties levied by one province of an empire against the productions of any other province, are consistent with any ideas of government hitherto promulgated. No such anomaly is tolerated in the United States; it has been reserved for Great Britain, the pioneer of free trade, to permit the existence of hostile tariffs within its dominions, and to allow distant provinces, for their own supposed special advantage, to override the general policy and interest of the empire.

The financial relations which ought to exist between Great Britain and her colonies have been well described by Adam Smith,

* Statistical Abstract of the colonial and other possessions of the United Kingdom. 1852-1866.

in the following passage from "The Wealth of Nations." (Book 4, chap. vii.) "In order to render any province advantageous to the empire to which it belongs, it ought to afford, in time of peace, a revenue to the public, sufficient not only for defraying the whole expense of its own peace establishment, but for contributing its proportion to the support of the general government of the empire. Every province necessarily contributes, more or less, to increase the expense of that general government. If any particular province, therefore, does not contribute its share towards defraying this expense, an unequal burden must be thrown upon some other part of the empire. The extraordinary revenue, too, which every province affords to the public in time of war, ought, from parity of reason, to bear the same proportion to the extraordinary revenue of the whole empire that its ordinary revenue does in time of peace." If these conditions were complied with, the treasury of Great Britain would be reinforced by colonial contributions, which would enable the Government to repeal a considerable portion of our remaining customs' duties, and thus develop a largely increased trade with the colonies. The repeal of the sugar duty alone would create a home demand which would vastly stimulate production; would make this country the sugar market of Europe, and afford additional employment for a considerable section of the population of Great Britain and Ireland.

It is evident that a great change is imminent in the administration of our colonial dominions. The existing condition of affairs is unjust and oppressive as respects the people of this country. The American colonies revolted because the Home Government imposed taxes upon them; now the case is reversed, British taxpayers demand emancipation from taxation imposed upon them by the colonies. If there are any advantages in maintaining the political connection of these distant countries and Great Britain, they are enjoyed by the colonists in common with their English, Scotch, and Irish fellow-subjects. The existing system of colonial government throws the burden of sustaining the empire upon that portion of it which derives the smallest advantage from its existence. The naval and military forces, which protect the territory and the commerce of these islands, perform precisely the same function for the colonies. Is it just to throw all the burden upon British taxpayers exclusively? Can any valid reason be alleged for exempting the colonies from obligations which are imposed upon the natives of British India?

There can be no doubt that the existing system is coming to an end; with a Chancellor of the Exchequer in office who holds that it is not his business to be liberal with other people's money, and who has expressed the opinion that "to tax the labourers of Leicestershire and Dorsetshire, for instance, to relieve such a community (referring to Australia) from taxation required for its own defence would be a crying injustice to those who had to pay it." The sole point remaining for discussion seems to be, whether complete inde-

pendence, or a more perfect union, shall be our future colonial policy. In the minds of many the former of these proposals would be attended with most serious consequences both to Great Britain and the colonies. The calamities imagined by some recent speakers, as certain to result from colonial independence, cannot be better described than as:—

“Dire combustion and confused events
New hatched to the woeful time.”

A perusal of their prognostications would almost produce a conviction that Adam Smith had lived and written in vain. In one of the most cogent and masterly portions of his great work, he argues the colonial question fully, and demonstrates conclusively, that all dominion on the part of Great Britain over our colonies might be withdrawn, not merely without any positive harm to either, but with decided advantage to both. Entertaining the belief, however, that the combined influence of national pride and official interest would prevent the possibility of such a consummation, he urges, as an alternative, the federation of all the British possessions, and the due representation in an Imperial Legislature or Grand Council of every portion of the empire.

The mode in which such a scheme may be most advantageously carried into practice will, no doubt, be discussed fully by other members of the Association. It will be the aim of the writer of this paper to direct attention to two or three conditions which he deems essential to the satisfactory accomplishment of such a task. First and most important is the tariff question; if an empire is to be created out of existing chaos it must be established upon the principle of perfect free trade throughout every portion of its dominions. No custom house must exist to prevent the free interchange of commodities between the subjects of the same empire. As in the case of the United States customs' duties, if any, must be uniform, and collected solely by the central administration. The course, however, which would be the most desirable of all, is the extension of the system adopted in the Straits settlements, Hong Kong and Labuan, where no duties, either of import or export, are levied upon any commodities; and the alleged impossibility has been reduced to practice. The establishment of a thorough union of the British Empire, based upon the principle of perfect freedom of trade with the whole world, as already practised in three of our colonies, is a conception which it may perhaps be considered Quixotic and Utopian to hope for. There cannot, however, be the slightest doubt that it would, if adopted, be productive of the highest advantage to every portion of Her Majesty's dominions, its achievement would cast a lustre upon the age in which it was accomplished, and crown with imperishable honour and glory the statesmen through whose instrumentality it might be secured. If this, however, be unattainable, the existence of hostile tariff directed against the manufactures of Great

Britain or any other portion of the empire can, and must be, prevented. Trade ought certainly to be as free within the limits of the British Empire as it is within the limits of the United States.

Another question, not less important, is the disposal of waste and unoccupied lands, for the benefit not merely of a section, but of the entire community; and with a view to the growth of the revenue required to meet the necessary requirements of civilisation, from the most unexceptionable source. In this country, unfortunately, we have been deprived by legislative action of the revenue which ought to have accrued to the State under the original Land Tax Act. The land of a country is the property of its people; economic reasons render it advisable for the State to part with the actual ownership, but in doing so an adequate rent-charge ought to be reserved for the benefit of the entire population. All economists are agreed that such a tax, imposed as one of the conditions of purchase, is the most equitable and desirable mode of providing for a public revenue. The fiscal history of Great Britain presents an example of the evils which spring from the abandonment of the land revenue of the State, and ought to prevent the repetition of so unwise a proceeding in the case of the British colonies.

The third important consideration is the necessity of providing for the equitable contribution of every portion of the empire towards the expenses of imperial, as distinguished from local, administration. This is an indispensable condition of union. The rules of taxation recognised in the case of individuals must, in such an event, be applied to communities. Each province must be required to contribute its fair proportion of the imperial expenditure. The necessity and the justice of this condition are so obvious that it needs no advocacy to secure its acknowledgment.

The writer of this paper has dwelt rather upon economic than upon other considerations, because he is firmly convinced that a sound economic basis must be arrived at as a necessary preliminary for ascertaining what ought to be the legal and constitutional relations between Great Britain and her Colonies. The great questions in controversy are economic, and it is therefore the more indispensable that they be first solved, and their true bearings upon the whole subject of colonial administration ascertained. To secure for each individual his inalienable rights—life, liberty, and the pursuit of happiness—is the end of government. These conditions are attained, or not, in proportion as the action of government is based upon sound economic principles. If they are neglected in constructing the edifice of a legal and constitutional dominion, there is little hope of any permanent arrangement. If, on the other hand, financial and economic conditions are observed, the task of construction will be vastly simplified, and there may be a possibility of uniting in one confederation that portion of the English speaking population of the world, which now acknowledges the merely nominal sway of the Parliament of the United Kingdom.

On the Same. By F. P. LABILLIERE, *Barrister-at-Law.*

THIS subject is one upon which I ought to feel more deeply than most colonists in this country. Born in Melbourne, and brought up in Victoria, I may, perhaps, have some claim to express the views of native-born colonists—a class in whose hands the colonies will soon be; and of whom but few as yet reside in this country. Between English-born and colonial-born colonists I should be the last to draw any distinction. I am happy that no difference has hitherto arisen, and should deplore the appearance of any. It may, however, be satisfactory that colonials by birth and early associations should occasionally attempt to deal with such questions as this; I therefore venture to submit this paper to your consideration.

My great desire is to show that the idea of dismembering the British Empire should not for a moment be entertained by any good Englishman or by any good colonial: that the union of the empire is a sentiment, or rather a sacred principle, in devoted loyalty to which we should all vie with one another. We are told that the relations of Great Britain and her colonies are unsatisfactory; and there are always some people—both colonists and non-colonists—who, on the first appearance of a difficulty, inconsiderately suggest that separation may come of it. Such a course cannot be too severely censured. No man not meaning to make mischief between England and her colonies should begin the solution of difficulties by talking of separation, or of the interruption of good relations.

Before considering the questions which will need adjustment if the colonies are to remain united to Great Britain, I must endeavour to show briefly how desirable it is that they should so remain. Those who look at the question from a mere money point of view assert, that, since England has no exclusive advantages secured to her trade, as she once had, the sooner her colonies become independent, the better for her. The answer seems obvious. It cannot be seriously contended that in time of peace the possession of colonies is a disadvantage. It is clearly an advantage that Englishmen at home, and Englishmen and their sons in the colonies, should not be foreigners to each other. There are various openings which would be closed to people going to the colonies if they were foreign countries. The expense of keeping up diplomatic relations—with Australia for instance—and of maintaining men-of-war in her waters to protect British interests, would certainly be greater than this country at present incurs.

In time of war it is said the colonies would be a drag upon the mother country. They have not been so in past wars. Are they likely to be so in future? To take for example, Australia. Would England be better without her in a great war? It would even now be, obviously, a great advantage to this country to have such places as Sydney and Melbourne, which are being strongly fortified at colonial expense, hostile to her foe, instead of extending to him the hospitalities of neutral ports. How much greater would be the

advantage twenty years hence, when the colonies are more populous and powerful. The Australian colonies with their efficient volunteer forces, could even now, with a little preparation, repel any invading army which France or America—the only two powers which could possibly attempt their conquest—could land on their shores. Australia does not need much more to complete her defences, than the few war vessels which England, under any circumstances, would have to keep in the Southern waters, to protect her commerce in time of war. It may be hoped that New Zealand, with her increasing British and decreasing Maori population, will, when her present troubles are over, be in as advantageous a position with regard to defences. The Cape colonies ought, with such aid as England, unless completely crippled, could spare them, to be able to repel any foreign invasion. Canada, being the only colony with a frontier adjoining a powerful neighbour, would be the most difficult to defend. That neighbour, however, possesses ample territory, and I believe has no desire to embarrass herself with three or four millions of unwilling subjects in the north, when the allegiance of a large population in the South is so very doubtful.

The chances of war between England and the United States are, I am happy to think, so remote, that the defence of Canada need not cause serious apprehensions. There is another reason why England, in peace or war, should retain her colonial possessions, namely, the prestige of having colonies in all quarters of the globe—a reason which I know those taking a merely pounds, shillings, and pence view of colonial relations will as little regard as they do the bonds of language or of blood.

The reasons making union with the mother country desirable for the colonies are—the prestige of belonging to, or rather of being partners in, the same empire with this great, little, old country—the centre of the world's civilization; the fact that they are at no expense or diplomatic relations with numerous states; and that the British flag protects them from insults and exactions to which, without it, they might be subject. It may be said that if England were engaged in a great war the colonies would be better off if they were independent. I remember the suggestion being made, by a well-known public man in Australia, that the colonies should thus try to escape the horrors of a war, in which there was a prospect, some years ago, that this country would become involved; but the idea was indignantly scouted. I am convinced that in time of war, Australia would not only endeavour to defend herself, but also to assist in the defence of the empire. The fact that during the Crimean war Canada raised a regiment, and that Australia contributed so largely to the Patriotic and Indian Relief funds, shows what material aid the colonies would have rendered the mother-country had they been more populous and wealthy. Union is desirable for both parent and children in the future; and no very worthy reasons can be urged against it.

The present may be said to be a period of transition. The colonies have not long passed from the leading strings of paternal

rule into a condition of complete self-government; and now they only require to have their exact position more clearly understood and better defined. To this end four important questions will have to be considered. One requires immediate settlement. They are Colonial Confederations, Defence of the Colonies, Judicial Appeals, and the Appointment of Governors, all susceptible of amicable solution, if dealt with on both sides in a spirit of moderation and conciliation.

The Confederation question has already been satisfactorily settled with regard to Canada. I speak of it first, though it is not the most pressing of colonial questions, because it seems a key to the easy settlement of the others. If a confederation existed in Australia, how much easier would it be for England to arrange all questions of inter-colonial importance, such, for example, as postal communication, with one government for all the colonies, instead of separately with each colony. England may, at any time, be called upon to perform the difficult and delicate part of deciding differences between two colonies which a federal government could more satisfactorily settle, or might even prevent from arising.

Many people think that an Australian confederation ought to have been established with the new constitutions. The step might certainly have been taken then, more easily than now. The longer it is delayed the greater the chance of antagonistic interests and jealousies, which under a confederation would never have sprung up, arising to impede its formation. A federal government would be a more convenient link, uniting Australia to England, and I believe, would prove stronger than the separate links which at present unite the two.

With such a government, the question of Defence, which requires speedy settlement, might be more easily arranged. In speaking upon this point the general principle may, I think, at the outset be laid down—that neither should England tax the colonies, nor should they tax her. Whatever is to be the rule with regard to defence should be impartially carried out with respect to all colonies similarly circumstanced; though there may be two or three classes of colonies which should be differently treated. It may be difficult to draw a practical distinction; but, as a matter of fact, a nation with numerous colonies must exercise towards them different degrees of care. There will be the helpless infant colony, which cannot subsist without maternal protection: the half-grown colony, not yet equal to bear the whole expense of its own defence; and the colony sufficiently advanced to pay for its fortifications, and to keep up a militia or volunteer force. The Australian colonies are examples of the last class. They have for years borne the expense of their harbour defences, and have maintained an effective force of volunteers. There is little doubt that should Australia remain united to England, as there is every hope she may, when her population is five, ten, twenty millions or more, she will consider it a point of honour to contribute towards the general defence of the empire. If

both she and England desire to remain in partnership it will be easy to arrange that Australia shall keep up a naval squadron, incorporated with the Imperial navy for the defence of the empire in the southern waters. Victoria, by maintaining a war steamer of her own for some years, has shown how easily this may be done. It however, any of the colonies wish for a few British troops, either in order to assist in training their volunteers, or even for the sake of seeing British uniforms, it would be wise of the Home Government to gratify them, especially when they are willing to bear the expense. If New Zealand desire troops to defend her against the Maories and offer to pay for them, it is certainly a grievance that they should be withdrawn in her hour of need. But upon whatever footing this question of defence may be settled, there is nothing in it to cause separation.

Still less is there in the question of Judicial Appeals. It is doubtless a great advantage to the colonies, to be able to command the great learning and mental powers of the judges composing the Judicial Committee of the Privy Council, in the decision of all their great legal issues. In time however it may be thought that the delay and expense of appeals to England counterbalance this advantage; and besides, although the jurisprudence of the colonies and the mother country will remain substantially the same, many laws will be required in the one which will not exist in the other, and which may receive their best final interpretation in the country where they are in force. These considerations may lead to the establishment of colonial courts of final appeal the Parliament of Canada being already empowered to constitute such a court for her dominion. Such tribunals may be established for confederations of colonies without the ties with the mother country being weakened.*

The system of appointing Governors may also undergo change without the union being impaired. The governors of the different colonies forming a confederation might be appointed by the federal executive, or even be elected, the connexion with the mother country being as firmly maintained as at present through the medium of the confederate government, the head of which would be a governor general or a viceroy sent from England. The colonies at present show no indication of desiring a change in the mode of appointing governors. Those sent from England are more fit to conduct constitutional government than colonists because, being unconnected with colonial politics and parties, they can govern with an impartiality which could not be expected from governors selected in the colonies.

* It has been thought that I here advocate a change. I am far from wishing to do so. I merely desire to show that, should the above considerations, which cannot be entirely overlooked, lead to the result suggested, the ties uniting the colonies with the mother country need not thereby be weakened. It is certainly desirable for Australia to retain the appeal to the Privy Council, especially when she requires to have important questions of Constitutional law and Parliamentary privilege decided. It would be unwise in her to part with such an advantage until much greater inconvenience is felt than any as yet experienced. The colonies seem perfectly satisfied with the present system.

It is a great advantage too that a number of English gentlemen should acquire experience of the colonies as governors, and return to England and enter Parliament, or otherwise give this country the benefit of their colonial knowledge.

The retrograde policy of protection is not likely to cause any dispute between England and the colonies, as it has not already done so, unless it be carried to lengths its strongest opponents do not anticipate.

Whether it would be desirable or practicable to have the colonies represented in the British Parliament seems too remote a question to be at present profitably considered. It appears to me impossible to carry it out with our present colonial system, whatever might be done if we had only to deal with two or three confederations of colonies.

What I hope for in the future is an Australian Confederation, a Canadian Confederation, a South African Confederation, in union with Old England; either with or without representation in her Parliament; all cheerfully taking part in maintaining the power of the empire. "Union is strength." As the colonies grow and strengthen, each will be stronger for such a union; the mother country will feel it a support, and both she and the colonies will be at far less expense for defences, if all stand together and fairly bear the burden of defending the empire. Fewer wars, too, will occur in the world if the integrity of the British Empire is preserved.

England unhappily lost her American colonies just as they began to pass from infancy to maturity—let us hope she will be more fortunate with those she at present possesses. God, in calling her to people the waste lands of the world, has conferred upon her a great destiny—unparalleled in past nations, impossible in future.

When I look at the past history and present condition of British colonisation I am amazed at the splendid vision, I should rather say splendid reality, that is before me. No portion of the history of England is more interesting or brilliant than that which records how this little island has, so to speak, been expanding herself over great continents, has been developing herself throughout the globe. Her language, her literature, her ideas, her commerce, her laws, her institutions, and her liberties, have been sown broadcast over the face of the earth; and already in different soils and in various climes they have borne magnificent fruit. But splendid as the success of the past has been, splendid as the condition of the present is, the splendour both of the past and of the present seems destined to be dimmed by what we are justified in expecting in the future. We have, hitherto, only seen England nursing infant nations. I believe and ardently hope, and I am certain I express the feelings of all her colonies, in saying that she is destined to retain under her mild sway her colonial children, long after they shall attain the maturity and the strength of manhood. I am convinced that the existence of such a relation will not only be of vast moral and material advantage both

to the parent nation and to the offspring nations, but will constitute an empire more splendid than any the world has yet seen.

In addition to the foregoing Mr. MACFIE, M.P., read a paper on the same subject. He maintained that the altered circumstances of the colonies required altered treatment. If our relationship had been as it was of old, when the trade of the colonies was restricted by exclusive regard to the interests of the mother country, we should not at this day have been addressing them through British governors with the excessive frankness which has just awakened our fellow subjects to a sense of their new position of recognised equality and liberty, to judge and act no longer as our children, but as full-grown though younger brothers and adult members of the British family. Their rulers are in little danger of supposing that what is really complimentary and a recognition of the rights and powers they have achieved, is an expression of British indifference to the connection that exists between us. On the contrary, we should feel pain to part; we hail them as participators of our ancient privileges, and sharers in our responsibilities. Both they and we see that our union is strength. When other states of the world are growing in number of subjects and in extent of territory, it would be a matter for unbounded regret if the British empire were to skiver into fragments.

We in England and they in the colonies, however, require to re-constitute our reciprocal relationship, if not on a firmer, at least on a new basis. Our British policy must be less selfish and short-sighted than it has been. There must be less remissness in regard to our colonies. Ask leading, perhaps even official, statesmen to whom belong unoccupied lands, acquired by the bravery of our troops or our seamen, and the enterprise of our navigators and pioneers, and you will be surprised how hazy, if not how erroneous, is the answer you will receive. But this is only in keeping with their disclaimer of liability to share the expense of defending from internal disturbances—a disclaimer untenable if Britain still owns lands. The House of Lords has, in relation to the colonial question, great functions and great opportunities. The Upper House may well make this subject a speciality. The presence of a standing council, composed of the weightiest and most sagacious of our fellow subjects, congregated from every quarter of the globe would be highly beneficial, would introduce even into our domestic legislation new and masculine vigour, and would enable us to command that respect which is so advantageous, with a view to the preservation of peace within the deservedly fostered British dominions in the East, and to the avoidance of dangerous pretensions from foreign governments.

Mr Macfie was of opinion that we ought to cease to use the word "imperial" to designate what belongs merely to this kingdom, and that we ought to give it full and appropriate significance, as denoting what belongs to the "empire," of which this kingdom, however much it may prosper, will become by the growth of the

colonies but a minor portion, by using it only as applied to all the territories of Her Majesty.

DISCUSSION.

SIR JOHN BOWRING remarked that the question for consideration was not what might take place at some future period, but how harmonious relations between the mother country and the colonies could be made to promote the interests of both. Under any circumstances there was no reason for anxiety or alarm, for even the separation of the United States, brought about by the folly and want of foresight of a generation much less instructed than the present, of a Government unwilling to make concessions dictated by equity and justice, and of a population encouraging that Government in the determination to suppress the movement, had not, under the guidance of Providence, been detrimental to our commercial interests. It was a great privilege for England, and one imposing upon us a great responsibility, that we should send forth heroic and enterprising citizens to subdue distant regions, to establish empires, to give felicity to millions, to relieve us from many embarrassments, and to create a field whose extensiveness alarmed us: for after all, in the extensiveness of that field, many of our difficulties consisted. No Secretary of State could possess all the knowledge, experience, and observation requisite for ruling over regions situated in such different climates, and having such a variety of soil, interests, and race. It was clearly the duty of the Home Government to consult those various interests, but this was a difficult task. The wisest man knew less of what passed abroad than an uneducated man of what occurred at home, and a Secretary of State could not have the same material for wise legislation as the colonists themselves. Even supposing his decision to be wise on the information in his possession, probably before it reached the colony circumstances would have so changed that his advice would have been very different. The colony of which he (Sir J. Bowring) was governor for some years, was a testimony to the truth of Mr. Noble's remarks upon the influence of free trade. He entered on the governorship of Hong-Kong with a population of 25,000, and he left it with more than 95,000. Their principle was to encourage arrivals from all quarters, and they did not even impose harbour duties. Ships came in to look at the market, and if it was unfavourable they went away. Ample means of revenue were found without taxing commerce, and this was not only for the advantage of the colony but of the mother country. In five years the tonnage increased from 350,000 to 720,000. Sir R. Peel, indeed, was good enough to say that he supposed he (Sir J. Bowring) was sent out to teach political economy to the Chinese. In Europe the laws which regulated trade were beginning to be as well understood as gravitation, and he would be a bold man who, in the present state of public opinion, would suggest a step backwards. Public opinion was gradually penetrating through Europe, and he trusted it would soon reach the United States and our colonies. Our colonial friends ought to feel that nothing was so likely to alienate English sympathies as legislation hostile to English interests, while nothing they could do was so likely to benefit both themselves and us as the putting no impediments to friendly relations. There were sometimes colonial questions in which the Imperial Government was concerned, and he might mention a circumstance which caused him great embarrassment. In many of the colonies there was a great want of labour, and he received communications urging him to encourage the migration of the Chinese, who like all orientals were most economical, persevering, and adventurous. A great number of them accordingly went to Australia, and for some time they were welcome, but when they came into competition with Europeans great hostility broke out, and a heavy tax was imposed upon Chinese immigrants. This was most cruel and unjust, and involved a question of international law, for our relations with China entitled the Chinese to expect the same position in our colonies that Englishmen occupied in China, except, indeed, freedom from taxation. Complaint was made to the Home Government, but they stated that the feeling of the colonists was so strong that they could not compel them to remove the tax. The colonists, no doubt, had many complaints to make of us, but there were certainly some grievances on the other side. He hoped for something from blood-

relationship. If our legislation improved, let the colonists adopt it, and he believed we could learn something from the laws passed by them.

Mr. H. M. MARSH: With regard to the suggestion of a confederation of the Australian colonies, I am inclined to think that it is, at all events for the present, impracticable. One reason is, that democracies to be successful must be small, and the Australian colonies must fall, more or less, into democracies. I could give many instances in ancient history, but in our own time I may mention the democracy of Switzerland, which has always been a great success, whereas in France, though the people are of the same race and habits, it breaks down immediately, one great reason being that the country is so much larger. As to protection in the colonies, I was always sorry to find that so great a thinker as Mr. Mill had ever suggested it would be good. If protection is not good for an old country it cannot, *a fortiori*, be good for a new one. The object of a new country is to discover how its industries can be most successful, but protection comes and says, "You shall not grow wool and wine, though the climate is admirably adapted for it, but you shall spin wool." It prevents industry from finding out its proper channel. Absolute free trade, such as Sir J. Bowring has mentioned, is admirable for such places as Singapore and Hong Kong, which are mere emporiums of commerce, but with large communities, where there are great expenses, some customs' duties are necessary, which should be imposed on the least objectionable things, like tobacco and spirits, which give no rise to the chief customs' duties. Nothing could be worse than the way in which the Chinese were treated, but I am in hopes it is now relaxed. I think it was a case for Imperial interference, and I more than once brought it before the House of Commons, but nobody seemed to listen to it. I am anxious to dissuade people of the notion that the colonies are a great expense to us. They look over a blue-book and see that 20,000 or 40,000 troops in all are in the colonies, but most of them are not in the colonies at all. There are 10,000 in Malta and Gibraltar, not because they are colonies, but because they are not. If they were colonies like Australia and Mauritius they would, to a certain extent, protect themselves, and we should not at all events be put to the entire expense of garrisons. It is necessary that there should be protection to our shipping, and we have taken upon ourselves the police of the seas. In almost every other part of the world, and we have done this with our armaments. If we had no colonies we must have emporiums and garrisons for coaling and shipping. Take Mauritius, which pays a fair proportion of the expense of protection. If we had no colony there we should be obliged to have a fort and harbour. In the French war privateers took 9,000,000*l.* worth of British property, some valued at 10,000,000*l.* worth. If we had a colony there, we would pay some of the expenses, but at least it pays little or nothing. The French have nothing like the armaments we have, for one-half of the whole naval force of the world belongs to this country, yet they have stations for protecting their commerce, as in the Isle of Bourbon, and in the South Seas. They have probably 20,000 or 30,000 troops thus employed. Moreover, in protecting the colonies we are, in many instances, simply protecting our own property. Take Sydney Harbour, where there are many sea-going ships with wool and gold. All this belongs to English people, for the ships are owned or insured here. At present we had a rather expensive station—Port Essington, in North Australia, there being there no colony, but as we colonized further north we abandoned it. Formerly, however, it has been thought desirable to have a place for refuge in that very dangerous navigation, Torres Straits, so that an arrangement has been made with perfect amity between Queensland and the Home Government, the former taking a great share of the expense, though at present it reaps no benefit, for no ship belonging to the Australian colonies goes through the straits; ships and sailors are one and all British. People agree that the colonies ought to do all they can for external defence. No matter whether it is their own or an Imperial quarrel, each section is bound to do all it can, not only for itself, but for every other. It cannot of course be expected that the Australians, with a population of 1,000,000 or 1,500,000, can entirely protect a seaboard of 2000 miles, but as far as they can they are bound to do so. With regard to native tribes, I think that wherever the British Government has not interfered between colonists and natives, the

whole expense ought to fall upon the colonies, but wherever the British Government has wilfully or unwittingly, rightly or wrongly, been to a certain extent the cause of difficulties, it ought to protect the colonists from the consequences. Take the case of the Cape. Before the Kafir wars commenced, when the Kafirs made an inroad, the colonists levied a *posse comitatus* and made reprisals, and the governor said the colonists had rather the advantage, since they took more cattle than the Kafirs. Infinitely less life was thus lost than in those dreadful wars. I remember that the first settlers in New Zealand, being then under New South Wales, petitioned the Parliament of New South Wales to be allowed to manage themselves all their relations with the natives. If that had been allowed I have no doubt they would have shown much better management, and they could not have made a greater mess of it than the Home Government. The advantages of imperialism to the mother country are very great. I am too romantic to despise the prestige of belonging to an empire on which the sun never sets, and of spreading our literature and love of freedom throughout the world; but besides this, there is an astonishing connection between politics and commerce. California and Australia are in many respects similar countries, inhabited by the same kind of people, who are engaged in the same pursuits, using the same pickaxes and shovels, and drinking the same beer and spirits. Now, our exports to Australia amount to 12,000,000*l.*, while to California they are 500,000*l.* Surely that difference is owing to the political connection. China, again, is a country with much greater facilities for consuming English goods than India, for the people instead of being idle are industrious, instead of having few wants they want everything they can get, and they are all ready to work for it; yet our exports to India are 18,000,000*l.*, whereas to China they are little more than 5,000,000*l.* Nobody can doubt that if we had annexed China, our exports in a few years would have been something like 100,000,000*l.* To the colonies the advantages are still greater than to the mother country. I think not a little of the appeals to the Privy Council, but for which the law in the colonies would degenerate into local laws, not in accordance with the common law of England. Whatever their quarrels amongst themselves, the colonies all agree in their feeling of loyalty to the mother country. It may be said indeed that some day or other they must be separated. Well, nothing is more certain than that we shall all die, but that is no reason why we should cut our throats at once. The independence of the colonists would be like the boon of beauty to the weak, "a lacklowne gift, a deadly dower of woe." It is impossible they could get on. They are much too small, and the whole tone of society goes to enlarging political connections. North Germany is eager to become a great power. Italy is making great sacrifices for unity, and the Americans involved themselves in a frightful war and a frightful debt to maintain the unity and vastness of their empire. To talk of a colony of 5,000,000 or 2,000,000 people being independent is almost an impossibility. We cannot do better than go on as we are. There are some anomalies, no doubt, but good sense and good feeling will solve all the difficulties. With regard to representation in Parliament, it has always been the dream of our colonies, but the difficulties seem to me insurmountable. It is not likely they would submit to be taxed for Imperial purposes. Whether they ought or not I am not quite certain, but I am quite sure they will not, and not being taxed it is impossible they can be represented, and vote away other people's money. The only way would be to restrict them to choosing their members from those already elected, and in this there would be no great hardship, for the Queen is forced to choose ministers from members of Parliament. In case of separation there ought to be established among those great communities, even extending it to America, a unity of citizenship. Every person talking our language and derived from our stock, should be a citizen of every one of the Anglo-Saxon States. There would be great practical advantages in this. An American cannot buy land here at present, and we are at a double expense in the protection of our foreign interests, whereas American men-of-war might protect our ships in the China seas, and we theirs.

Sir WILLIAM DENISON, K.C.B., having been governor of New South Wales, Tasmania, and Madras, and having visited Canada, Bermuda, Aden, Malta, and Gibraltar, wished to express an opinion on this question. Those who talked of the expense of the colonies to the mother country, should remember that Malta and

Gibraltar were garrisons, that Aden was a coaling station, and that Hong-Kong and Bermuda, also, were not colonies. Colonies were settlements in which men pressed by necessity or other causes had gone out, importing English habits and laws, and establishing themselves as a political community in connection with the mother country. They always spoke of England by this name, or as "home," and protested against the feeling which seemed to be growing up, that we had better cast them off. It was the same peddling spirit which caused the rupture with the United States. We thought ourselves pressed by necessity to screw a few pounds out of them, and they wisely resisted. We were foolish enough to attempt to coerce them, and the consequence was a separation which had been a cause of enormous expense, and had made friends and relations, as was always the case in a family quarrel, more hostile and jealous towards us than any other nation. The present feeling was one of the same stamp, but lacking its courage. Then we fought for it, but now we said—"Colonies are costly luxuries." The old colonial theory was, that a colony should be the producer of raw goods and the consumer of our manufactured articles. They supplied us with raw produce and received our manufactures. Free trade had rendered that nugatory, and now people were beginning to say "they are no further use to us; let them go." He could endorse what had been said as to the feeling of the colonists. He kept up a correspondence with colonial friends, and their desire was to cling to the union as long as possible. He should be sorry if we cast off allies and friends, and made enemies of them through an economical feeling, the arithmetic of which he should dispute. We were obliged to keep forces in Canada, and a fleet all along the American coast, whereas in Australia a couple of small corvettes kept our flag flying, maintained the honour of the country and defended our trade. Let Australia be thrown off and made an enemy or a very cold friend, and we should be obliged to have a fleet there and probably to occupy some little island like Bermuda for a fort or harbour. Thus, instead of economy it would be an increase of expense. In case of war with France or America, the colonies ought not to be told to protect themselves, for the mother country had a substantial interest in their well-being, and ought to bear a fair share of the expense. The colonies really asked for very little. The Australians built barracks and forts, and raised militia, but they could not find men for a permanent force when the ordinary wages of labour were 7s. or 8s. a day. There were volunteers in plenty, but a permanent garrison was wanted, and they were perfectly willing to pay part of the cost of Imperial troops to furnish the barracks, and to vote the extra pay. The dispute as to New Zealand was a local squabble, and had nothing to do with the general principle of the relations of colonies. In 1860 he was appealed to, to send troops to Taranaki, but he thought the difficulty was caused by the colonists' own mistakes. As to representation in Parliament, the idea was absurd. The analogy of father and child must not be pressed too far. When a child was young the parents sent him to school and paid the whole expense, but when the child was able to support himself did he ever cast off the relationship and look upon his father as upon any person he casually met in the street? Did he lose all filial affection, and did the father lose sight of his son? Was he not still anxious for his welfare and willing to do all he could to help him? Such should be the relation between a colony and the mother country.

SIR CHRISTOPHER RAMSEYER agreed that the relations of the mother country and the colonies were those of parent and child. Hence as a father utterly lost control over his son, whether with regard to fortune, politics, or any other subject, so surely would our colonies grow all restraint and claim, as men fit to govern themselves, the absolute control of their country. He should think ill indeed of Australians, as descendants of Englishmen, if they could contemplate, half a century hence, being still bound to us and referring to a Minister in Downing Street to know how to act, or to the Privy Council to know what the law was. He was acquainted with India, and if anything crippled its development it was the constant reference to England. This had damped people's energies and hindered legal reforms, such proposals having to be remitted to three or four gentlemen wholly unacquainted with the state of the country, and shelved, perhaps, in a cloud of correspondence. Great dissatisfaction was constantly expressed at the delay involved in appeals to the Privy Council, and delay in justice was almost a denial

of justice. These appeals were resorted to for destroying a pauper opponent, the expense being thus doubled or trebled. A father paid his son's expenses as long as it was requisite, but when grown up the son must cast off his allegiance, though none of his affection. Could it be expected that an affluent merchant, forty or fifty years of age, would go and consult his old father, living in ignorance of the circumstances of the day, for guidance in business? The colonies now cost us very little, and he believed that as they grew larger they would not even take governors from us, though it was true that such governors were free from local partialities. Colonial representation in Parliament had been talked of for twenty years, but he had never heard any practicable scheme. If Australia, Canada, New Zealand, and the Cape sent four or five members each, what would their influence be in the House of Commons? The House took no interest in Australia, except as regarded pecuniary matters. Sir Stafford Northcote, who had so wisely administered Indian affairs, must have felt how discouraging it was to explain the Indian budget to an empty House. As Macaulay remarked, how was it possible for people to take an interest in regions, the names of which they could not pronounce, and the situation of which they were ignorant of? We ought to give the colonies freedom, and the stronger ones would take it if we did not give it. As to the Chinese immigrants, it was absurd to think of going to war with Australia to compel their admission, though he admitted it was an international difficulty. Such difficulties would exist as long as the present relations existed, though other difficulties might be tidied over. Our duty was to prepare for freedom all our dependencies that were sufficiently large to govern and protect themselves.

Mr. R. R. TORRENS, M.P.: I am sorry to see a sentiment prevailing in England which finds no echo in the colonies. During my twenty-five years' residence in Australia, I never heard of any desire for separation from the mother country, but here I find the opinion gaining ground and gathering advocates in high places. Mr. Goldwin Smith, more than five years ago, wrote letters in the *Daily News* arguing for the narrowing of British dominion to the British Isles and the Indian empire, giving up all fortifications and outlying places—Malta, Gibraltar, Aden, and all the colonies planted by the industry of Englishmen. The grounds on which he supported the doctrine were that having obtained free trade we no longer required fortifications or colonies as an aid to the prosperity of England. That, however, is the very reason why we need them more than before. Free trade has enabled our population to increase so vastly as workmen and manufacturers, that we no longer feed our people. England has become the workshop of the world, being to the rest of the world what the town is to the country. Hence, we import a very large proportion of our supplies of food, and this is a reason why we should retain the command of the seas, and be in a position to protect our commerce in case of war, otherwise we should be actually starved. Now, if we had not convenient ports for refitting and coaling, we should lose the command of the seas. Give up Malta and Gibraltar, and in the event of war the Mediterranean would be absolutely closed against us. Another of Mr. Goldwin Smith's reasons is the great cost of colonies, properly so called, in the event of war. He forgets, however, to consider what would be the cost supposing they were independent. Does any man with an English heart suppose that the obligation to protect them would be at all lessened by their separation from England? They are like additional counties added to England, and even if they were independent the obligation to protect them would be one, the neglect of which would degrade us in the eyes of the world, and ruin our prestige irrevocably. Mr. Noble dwelt upon the cost of naval defence of the colonies. Now, in Australia, I scarcely ever saw an English man of war. One or two were employed in surveying the coast and occasionally came for fresh stores, but beyond that I am not aware of any expense, even during the Russian war. Quite as many French as English men-of-war came in to refit. Moreover, it is British shipping and commerce which are protected, for more than nine-tenths of the tonnage in colonial waters is British owned, and more than nine-tenths of the produce carried in colonial harbours is British property. The greater portion of the gold, wool, tallow, &c., is paid for with English money, and has become the property of English merchants, while on the residue advances are taken through the banks, the capital of which is owned in England. When England

sent convicts to New South Wales and Tasmania, it was quite essential to send soldiers to guard them, and when transportation ceased she left a *residuum* of human wolves who had to be kept under with a strong hand; but in the colonies which had no convicts nothing of the kind took place. Victoria, the most flourishing, has cost this country nothing, and Tasmania would never have cost anything if the mother country had not interfered, forcing the colonists into debt and difficulty. Hence it cost 200,000*l.* in all, but there is no reason why our colonies should have cost a farthing, if sound principles had been followed, either for military protection or any other purpose. It has been stated to-day that the feeling of the colonists is for perpetual union, and I see nothing impracticable in it; but very little modification of the present relations is necessary. It is the mismanagement of the few matters with which Downing Street interferes which causes disaffection, as far as any exists. England forced military protection on the colonies, greatly to their detriment, for otherwise they would have learnt to organise self-protection. Then nothing is so aggravating as inequality. Now, Canada recently applied to the mother country to guarantee a loan for the purchase of the Hudson's Bay territory. That was a most useful purpose, and I have not a word to say against it; but when New Zealand, its scattered population having to contend with a savage enemy, also asked for a guarantee, which practically would have cost this country nothing, but would have reduced the interest from 6 to 4½ per cent., the request was refused. It was a matter of life and death, whereas in Canada it was a simple matter of policy. England by bad management and want of proper knowledge had incurred responsibility, yet she refused to pledge her credit. Again, some years ago, Canadian corn was admitted into England free, while Australian was taxed. We petitioned against this inequality, but the petition was thrown into the waste basket. Such mismanagement could not continue. Colonial ministers are generally men of ability, but it is impossible they can be well versed in colonial affairs. Hence they are prompted by clerks who have been in the office a number of years and have stereotyped ideas. Deputations are snubbed, and the colonial voice is never heard in this country. Nobody listens to such matters in the House of Commons, and the only reason why there is not a count-out is that there may be another subject on the paper afterwards exciting more interest. The governor does not represent the colonists, but takes the Downing Street point of view. His despatches, moreover, do not come before Parliament; that is within my knowledge, having been a Minister of the Crown in Australia. I have applied for documents and been told they did not exist, though I knew they did. The facts of every case should be stated from the colonists' point of view. We cannot make treaties or impose discriminating duties, or interfere with the marriage laws of England, but the colonies are all but independent, the interference of the mother country being narrowed to half-a-dozen subjects which are not frequently raised. When, however, they are raised, the colonies require to be represented in this country in some way: not by deputations waiting on a minister on sufferance, but authoritatively. If they wish, let them send a properly authenticated diplomatic agent, plenipotentiary or consul, who shall state with authority to the British public and Parliament the colonists' view of colonial question. All difficulties, I believe, would then be easily settled. Representation in the House of Commons I believe to be impracticable. The resistance to a recent attempt to enlarge the number of members shows the impossibility of inducing the House to admit colonial representatives, and their position would be very anomalous. A federal council is a grand idea, but it is, I am satisfied, impracticable, whereas diplomatic representation involves no expense or trouble, and is well worth at least a trial.

Mr. EDWARD WILSON (of Melbourne): Looking to what is taking place in various parts of the world, we should be wrong in concluding that the parental relation will continue. I have passed many years in one of the leading colonies, and have studied this question closely. It seemed plain to me at an early day that there would be a deadlock. We must accept what England does to one colony as an indication of what she will do to all. Now, I am not connected with New Zealand, but it is one of the most interesting experiments in colonisation the world has ever seen. By a happy accident it became popular, and some of the best representatives of the English race were sent out, so that the experiment is valuable as illustrating what colonists are capable of. I have been amongst the

Maoris, who are one of the finest races in the world, yet they are doomed to utter extinction through the gross mismanagement of the Imperial Government. Either they must be exterminated, or the whites must be driven into the sea. Perhaps it is well the wrongs and woes of New Zealand should exist, for it attracts the attention of people not usually willing to consider the mal-administration of our dependencies. The tone of Parliament and of Downing Street tends to show that England is now, I believe under very bad guidance, about to force on prematurely the question—Are you prepared to give up your colonies? Mr. Noble told us that during a certain period our exports to India had increased 100 per cent., whereas to Australia and other colonies the increase was only 7 per cent. That seems a startling fact, but perhaps he forgot that there have been great modifications in our commercial relations with India and continental countries, whereas our relations with our colonies were settled previously. One speaker has urged that there was no commercial disadvantage from the independence of the United States. What, however, might not our exports there have been but for that event? Our exports to the United States are about 15s. per head, while to the Australian colonies they are something like 12*l.* or 14*l.* a head. Sir J. Bowring urged how odious it was to deal exceptionally with Chinese immigrants. Now, I was one who took an active part in staying the immigration. Sir J. Bowring at that time would be writing home in a very energetic strain from Hong-Kong, and if I had been in office I should have been doing the same in an opposite sense. Now, how much better it would have been could we have met in London and given the minister the result of our conferences. No doubt the Chinese are industrious, sober, abstemious, and in many respects eligible, but in many other respects they are ineligible. They are opium smokers, they brought habits of gambling, and though they came down in shoals there was not one Chinese woman. I believe there are 30,000 Chinese now. I never urged their entire prohibition, for I was willing they should see what we were made of, and take back a little of our civilisation. Colonial secretaries are not in a position to be well-informed on the matters they have to deal with. As to representation, I am one of those who do not believe very firmly in the House of Commons, and should not hope much from it; but I see no formidable difficulty in getting such a representation as to leave a colonial secretary no excuse for being ill-informed. In the India Council we have an analogy to what we want. Let a good first-class man from each of our dependencies reside in London and form one in a council, with the Colonial Secretary at their head. We have men here performing almost similar duties, who have mixed energetically in our politics, and would be able to consider the affairs of other colonies, since they would approach them from a colonial point of view. The colonies might thus by degrees be induced to advance towards free trade. I am not for absolute free trade for all communities, for I agree with Mr. Mill. I have seen the resources of a new country developed under very peculiar circumstances, and I believe in some cases an invaluable trade may be created, which would not be done except for some little fostering. If things go on as at present the colonies will begin to consider whether they have any alternative but independence, and those who are precipitating such a course incur grave responsibility. The experiment might indeed prove a great success. England might possibly be greater and more prosperous than ever, but if Mr. Noble's view should turn out wrong you would not be able to get your colonies back again. Suppose, moreover, they find themselves not quite fit for independence, they will look elsewhere for what they cannot get from us. Suppose New Zealand in desperation went over to the United States, what would become of English prestige? The strongest argument, perhaps, for keeping the colonies is the scope they give to the political feeling of the English people. What we heard from our President last night about the House of Commons could not have greatly increased our respect for a body which assumes to do so much and does so little, and that so badly. The tendency among our public men is to sink into restyism. Now, remove the necessity of studying large questions in a worldwide spirit, and our public men would deteriorate so fast that you would scarcely know them. I believe that process is going on now there is a pandering to a Philistine love of favourable budgets, and a sacrificing everything to the consideration whether it will pay. This is a bad principle for a

merchant, and still worse for a large empire, to act upon. How far trade follows the flag is an interesting problem. My own belief is, that irrespective of questions of supply and demand there is something about the flag which leads to trade, and that if you lowered your flag half your trade would go.

Sir J. BOWRING wished to explain that urgent applications had been received for Chinese labourers, labour in Australia being very dear. The West India colonists also, at great expense, sent an agent, who for many years remained in China, urging those who were supposed to have some influence with the Chinese authorities to remove the obstacles to emigration. It was his (Sir John's) pride to respond to these appeals. Mr. Wilson acknowledged that the Chinese had many virtues, and no doubt they had also many vices. There was very great difficulty in enabling women to go too, but owing to the impulse from the colonies and the authorities at home this was effected, and a great many females went, whose presence, no doubt, had a moralizing influence.

Mr. F. HILL thought the manifestation of feeling last evening, when the President (Sir S. Northcote) expressed the hope that the union would be of long duration, he would say perpetual, and the feeling shown to-day, must have relieved Mr. Wilson's mind of the apprehension that the English people wished to sever the connection with the colonies. Sir C. Rawlinson was the only speaker who had suggested separation, and his suggestion resulted he thought from the use of a bad simile. If instead of regarding the colonies and the mother country as parent and child, we looked on them as equals, in a partnership beneficial to each, we should no more think of casting them off because they had reached maturity than of casting off Scotland. The union of England and Scotland was at the time a difficult task, and had the latter country been polled there would probably have been only a miserable minority in its favour; but knowing Scotland well, he doubted whether a single advocate of separation could now be found. He entirely agreed in Sir Stafford Northcote's statement that the problem to be solved was how to give the colonies the greatest possible freedom of action consistent with the maintenance of imperial authority, and he believed this problem capable of complete solution; but he could not concur in Mr. Haro's proposal on the subject, which was, in effect, to establish two separate governments. A colonial minister, appointed by the colonies, was to knock at the door of our cabinet and demand admission. Surely, it was not practicable for a cabinet to have a member forced upon them by any other authority than that of the Premier. He himself adhered to Adam Smith's plan; for parliamentary representation harmonised with our whole system of government. Parliament could not, of course, manage the details of administration, but it chose the Government to do all this work, and for this Government was responsible both to Parliament and the country. Notwithstanding the slights cast upon it he thought the English House of Commons the finest governing body the world had ever seen. Australia had been brought nearer to us by the telegraph than Yorkshire was fifty years ago, or than the Orkney and Shetland Isles are now. If the number of the House of Commons was too large, let it be reduced, for so long as each district was represented proportionately, it was immaterial how many members it returned. With the colonies represented, Parliament would no longer be unwilling to consider colonial questions. The smallness of the number of colonial members would not deprive them of influence. Bristol, for example, had only two members, yet there was no complaint that its wishes were slighted. Let the colonies be represented according to their population and taxation, and they would receive as much attention as any part of Great Britain. The union ought to be one of mutual benefit, and instead of being an addition to our burdens, the colonies ought to lighten them; for what was done in partnership must be cheaper than if each member paid the whole expense. Admit them to representation, and they would be willing to pay their fair share. If they assisted in maintaining our fleet and army, and in bearing the burden of the debt, incurred in struggles for the existence of the country, it would be a relief to us all. He protested against any division of colonial and imperial questions. A similar attempt was made in the United States, and the result was the late civil war; and similar has been the result of a like attempt in Switzerland. There must either be perfect independence or subjection to one supreme authority. In very few cases, however, would Parliament find

cause to interfere in local questions. In his office of assistant-secretary of the Post Office, he had had an opportunity of seeing the practical working of a system of colonial management subject to imperial control, and the result was quite satisfactory. Gradually all the colonial post offices had been placed under the management of the colonial governments, but every colonial Act on the subject, before being sanctioned in England, was sent to St. Martin's-le Grand, to see whether there was any objection to it; and during the whole of his experience he did not remember a single instance of its being found necessary to advise that such sanction should be withheld, although sometimes suggestions were made of improvements in an Act. One North American plantation justly raised an outcry against the stamp and tea duties, but there could be no ground for outcry when a colony has a fair share of representation in the Imperial Parliament, and with power, subject to that Parliament, of managing their local affairs.

Mr. H. N. MOZLEY remarked that in certain cases unity of action was essential, and that definite principles ought to be laid down for the guidance of colonies in their dealings with each other and with foreign countries. He had been rather startled to find Mr. Hare apparently admitting the principle, in his admirable paper, that one colony might make peace or war independent of other colonies, for this struck at the root of unity. Confederation between the mother country and the colonies might give sufficient strength to prevent any attacks on England. Mr. Labilliere had suggested a final court of appeal for each confederation, but he should prefer one for all. The inconvenience of distance and delay might be remedied by establishing a branch of the court in each colony, each branch deciding without power of appeal. Sir C. Rawlinson, the only speaker who had openly advocated separation, had assumed that a continuance of the connection implied continued dependence on the Colonial Office or the Privy Council, but with a confederation there would be no dependence, as all would be on an equality. It would be a relation not of parent and child, but of citizenship, and no citizen thought himself dependent on account of having to obey the law common to all. It was questionable whether any state had the right to enact such a law as the tax on Chinese immigrants; at all events only extreme circumstances would justify it. Victoria had passed a law that no person convicted of crime by any British court should be admitted, but this was a strong measure, and should be settled by a federal council, which would consider the interests of all. The Act seemed to him *ultra vires*, if it referred to the whole British empire.

Mr. THOMAS BRIGGS thought the real gist of the question had not been touched. The Colonial Government and the Imperial Government had been talked of, but there was a third party, John Bull's children—the surplus population of the kingdom. During the last few years there had been a constant flow of the best brain and sinew of the country, which had gone to strengthen the United States. The Americans valued each emigrant they got from our shores at 1000*l.*, and during their four years' war they received 600,000, which came to 600,000,000*l.* Why did emigrants cross the Atlantic? Why, because the Americans understood how to deal with the waste lands, and the Home Government ought to have something to say as to the disposal of waste lands in the colonies, as was proposed in 1862, when a Crown Commission to deal with the waste lands of Australia was suggested. In other respects the colonies ought to govern themselves.

• Mr. CHARLES TEBBETT observed that a good deal of what had been said came too late, for these great colonies had already legislatures of their own, to interfere with which would arouse jealousy. He did not think it very material whether they separated or stayed, except that if they separated in an unfriendly way it would be serious. Under no other circumstances ought unfriendly feelings to arise. We ought not to interfere with them further than was absolutely necessary, such as in questions of war and peace. As long as they wished it, let them resort to our Courts of Justice, it being understood to be for their own convenience and not for ours. The true relationship was a friendly alliance as between equals.

Mr. GOSSET, in reply, congratulated the Section on their unanimity in not desiring separation. The discussion had mainly turned on two policies, that of paternal government, or that of freedom, looking forward to confederation on equal terms. The great objection to the former was that it would infallibly lead

to separation, whereas confederation would avoid it. Sir W. Denison had drawn a pleasant picture on the other side, but he had confined himself to generalities, and would not grapple with the special case of New Zealand, which he (Mr. Gorst) had brought forward as a crucial test. The paternal theory might work well in a prosperous colony like Australia, but when tried in a case of danger and difficulty, as in New Zealand, it broke down. That case showed the mischief of meddling on the part of the Home Government, even with the best intention on its part towards both colonists and natives. The colonists had been animated by no bad passions, but had done their utmost to Christianise and civilise the natives, yet with the best intentions on all sides, a defective system had resulted in this unhappy bloodshed.

Mr. F. P. LABILLIERE, also in reply, remarked that there were two ideas of confederation,—one the representation of the colonies in some federal government seated in this country, which he deemed impracticable, the other the confederation of groups of colonies, so that the mother country would have to deal with only two or three colonial governments, instead of with many single ones. As for the Chinese immigrants, it was a most exceptional question, and the course pursued was only justifiable in a very extreme case. The colonists wished for a purely Anglo-Saxon population, and there was a serious prospect of its becoming a mongrel Anglo-Chinese one, a prospect quite sufficient to justify interference. Sir C. Rawlinson's policy would lead in a few years to the limitation of the British Empire to our own Islands.

THE PRESIDENT: We have all listened with the greatest interest and profit to this discussion, in which so many who are peculiarly qualified have taken part. At its commencement I regretted, I confess, that so much was said of the possibility or advisability of a separation of the colonies, for that is not really within the scope of the special question before us, which is, What ought to be the relations between England and the colonies? It is clear that if the mother country discards the colonies, or the colonies break off from the mother country, there could be no relations at all. Still, I am glad that something has been said upon that point, because it has elicited so strong and almost unanimous an opinion that we ought to do all in our power to maintain the unity of the empire and to prevent any member falling off from the common body. That any number of Englishmen are really in favour of dismemberment, I cannot believe. Were such a policy ever pursued by any minister he would find the general voice of the people against him. It is not a question which ought even to be entertained till it has been fairly and fully placed before the nation. Assuming, then, that the connection remains, what should the relations be? They must, in the first place, be on the "give and take" principle; they must be based on reciprocal good will and a willingness to yield to each other on certain points. The colonists must not expect everything their own way, nor must the mother country expect all the advantages to be on her own side. What the colonies first ask for is self-government, and that is conceded by every person in this country. No English statesman proposes that Parliament or the Colonial Office should interfere with the internal affairs of colonies which enjoy representative institutions. But it is pushing the matter too far to say that because they are self-governed they are to be allowed to do anything they choose and carry their legislation to an extent which makes them practically independent, or which interferes with the unity of imperial legislation; they must remember that they have duties towards the mother country. As Lord Granville pointed out in a recent despatch, any mal-administration or legislation contrary to the rights of humanity in the colonies concerns the mother country, on account of the disgrace it would bring on the whole empire. Each part of the empire is interested in the conduct of all the others, and we are not to be the only portion which is to have no right to say "such and such acts are so repugnant to our notions of humanity and right that it is impossible for us to allow a colony to pursue such a course." There must be a limit where the Imperial Government can step in and prevent acts at which the whole empire would stand aghast. As to protective duties, without arguing whether or not it is for the interest of any colony to impose such tariffs, I say that it is going beyond its limit of free action when it does so. If a colony wishes to prohibit the introduction of British manufactures by unreasonable duties, it should leave the union, and then may carry out its protective ideas at its pleasure. In the United

States the federal bond is as loose as one can reasonably imagine such a bond to be, but no State has ever been permitted to impose customs' duties at all, much less as against any of the other States. Customs' duties may possibly be necessary for purposes of revenue, but it is utterly unreasonable for a colony to desire the advantages of confederation, and at the same time to claim to levy protective duties against the mother country, or any other member of the empire. As to the waste lands, I agree with Mr. Noble and Mr. Briggs. I would not interfere with any power over them existing at this moment, but it may well be considered whether the Imperial Government ought not to place some restriction on the absolute right of the colonies to dispose of the whole of their unappropriated territories, which, after all, are the common heritage of the empire, and the hope and refuge of our overflowing population. Then, again, there is another point on which we must come to a clear understanding if a confederation of the colonies and the mother country is to be maintained. Every subject of Her Majesty must be entitled in every portion of her dominions to the fundamental rights of Englishmen. Who, it may be asked, denies this? Instances, however, have occurred in which British subjects have been deprived of such rights by colonial legislation. During the lamentable occurrences in Jamaica one fundamental right of British subjects, trial by jury, was wholly set at naught. Numbers were tried and executed without the privilege of counsel and of trial by the legal rules of evidence or by a jury of their equals. The defence of this was, that the Legislature of Jamaica had passed an Act which enabled the governor of the colony, with the leave of the local council, to proclaim martial law, and to inflict arbitrary punishment at the hands of military officers. I do not say that this power ought, under no circumstances, to be given; but it should be given only by the Imperial Parliament. Every British subject carries with him fundamental rights wherever he goes, and if a colony is desirous of abrogating the principles of the great Charter, let it go out of an empire of which it is no longer worthy, and then enact laws to make slaves, instead of free subjects. Parliament is not always sufficiently jealous on this point. Some years ago, a refugee in Canada, in dread that he would be surrendered to the American Government, applied to the Canadian Courts for a writ of *habeas corpus*. The application was refused. He then applied to our Court of Queen's Bench, and the Lord Chief Justice at once granted him a writ to bring up his body at Westminster. But what did the Imperial Parliament do? It was so alarmed at some small outcry in Canada, with reference to interference with the Canadian Courts, that with great haste and little consideration, an Act was passed doing away with the right of Canadians to apply for a writ of *habeas corpus* in this country. Now that writ, I venture to think, is one of the rights which ought to be maintained inviolate. Every subject of the Queen, in all parts of her dominions, should be privileged to apply to her Court at Westminster, which sits to do right to all, and is the constitutional guardian of English liberties. As to appeals, I cannot agree with Mr. Labilliere's suggestion that the appeals to the Judicial Committee should be abolished. That tribunal has been one of the successes of the legislation of the present day, and if there was no other tribute to the great memory of Lord Brougham, it would be sufficient to name the creation of that Committee as a Final Court of Appeal from all dependencies of the Crown. To allow each colony such a court of its own, would be to call into existence half-a-dozen systems of law in one empire, and to produce the mischief which we are now endeavouring to remove in the United Kingdom, that of clashing systems of law in different portions of the country. There is no way to come down to judicial science of keeping the law uniform but by one Supreme Court, and however difficult and burdensome it may occasionally be to individuals, that is a point on which Parliament never can give way if unity is to be maintained. With regard to law officers of the Crown in the colonies, some understanding should be arrived at, as to their exact position, and the extent of their prerogatives. It seems to be generally assumed that they are on the same footing as the law officers here; but is that so? The Attorney-General of England is appointed by letters patent of the Crown, and is the personal representative of the Queen in all Courts; but the Attorney-General of a colony is only appointed by the warrant of the governor. Now, a case has recently occurred which bears on this question. For some time a coolie trade has been carried on, from China, not I trust by

Englishmen, though it is rumoured that Englishmen have something to do with it. It is by no means the legitimate trade of which Sir John Bowring spoke, but the infamous practice of kidnapping Chinese and carrying them off to Cuba and elsewhere, to be sold as slaves. A revelation of some of its atrocities appeared in an article in a Hong-Kong newspaper, and thereupon a gentleman who styled himself the Acting Attorney-General of Hong-Kong, whatever that may mean, filed in one day three *ex-officio* criminal informations against the publisher. For what? For speaking the truth in reference to this abominable trade, carried on in Macao by Portuguese. One of these informations was on behalf of the king of Portugal, another on behalf of the governor of Macao, and the third on behalf of a former governor. Now in England the Attorney-General has never once filed a criminal information against a newspaper for more than a quarter of a century, and he certainly would not commit the oppression of filing three informations on the same subject matter, when one would do as well. It seems strange that a colonial law officer should be permitted to do what the Attorney-General of England, with all his authority, has so long abstained from; but it is much stranger, and surely it demands inquiry, that this prerogative should have been exercised by some one who does not hold the office. I cannot help thinking that such a proceeding is illegal, and I am glad to say that the Chief Justice of Hong-Kong thought so too, and overruled all three informations on demurrer. Passing from this point, the colonists must see that there are thus certain limits to the freedom of self-government which they justly claim; those limits must not be overstepped; and yet they clearly were so in that Chinese emigration business, in which the international obligations of the Imperial Government were set at naught. On the other hand, if we in this island are to enjoy the advantages of a vast empire, if the waste lands of the world are to be our heritage in the future, if all the power and prestige of being the centre of this great commonwealth of communities are to belong to us, we must be prepared to pay for it—we must be subject to reciprocal obligations, and be resolved to do our duty. A government, no doubt, must be cautious in taking part in wars or laying burdens on the people, but if, as in the case of New Zealand, the interference of the Colonial Office in times past has brought the colonists into great embarrassment, it is a hard thing that we should turn round on them in the hour of their greatest straits, and for the first time deny them assistance altogether. Let us, at any rate, see the New Zealanders out of the difficulty, and then let it be for them to keep their own affairs straight for the future. Even on economical grounds it would be advisable to do so, seeing that our colonies are our best customers. It is very well to say that our exports to India and China increased much faster in a certain number of years than those to the colonies; but the trade there was small before, and the India trade rapidly expanded, owing to the cotton famine and better means of communication. There cannot be a doubt that on the whole the great customers of this country have been our colonies, and it must naturally be so, for those who go from England are accustomed to English products. Trade, as Mr. Wilson says, undoubtedly follows the flag. But if we allow any colony like New Zealand to sink into ruin, its capital to be wasted, and its industry hampered for generations, it will be a much worse customer to us than if it were helped now. As a mere matter of investment it would pay, not indeed to go into an expensive war, but to give moderate assistance, either by guaranteeing a loan, or by sending troops which the colonists are willing to pay for. As to representation of the colonies, it is clear that if they are to remain connected with us, they must have means of making their voices heard in the councils of the Crown. No doubt, there is much truth in the complaint that the Colonial Office is behind the times. Officials, however skilfully trained, who have never seen a colony in their lives, can hardly know all that is required. Just as merchants know best what commercial legislation is required, so colonists must know their own interests better than other people. Representation in the House of Commons seems to me impracticable, and even if practicable I doubt whether it would be the best way of effecting the object. Nor can I agree with Mr. Hare as to a colony sending over some official to be a member of the British Cabinet. I cannot conceive how that would work, or in what capacity he would sit in the Cabinet. Whether for good or evil we are governed by party, and when a party victory is obtained, and a new Government

comes in, are these representatives of the colonies to go out, or to stay in? Are there to be two sets, one to go in with the Liberals and the other with the Conservatives? If not, how could they sit in a Cabinet where party questions are discussed, or how could they be excluded on particular occasions? Another gentleman proposes officers with ambassadorial functions, but that would, I think, rather tend to widen instead of to bridge over the distance between us, as it would be treating the colonies like foreign states. The recommendation which has most struck me is, that there should be a Council to assist the Secretary of State, just as there is a Council to assist the Indian Secretary. Our President is probably the only person in the room who knows whether that Council works well, but I believe that valuable advice has been given by it, and that it has on the whole been of advantage to the Government. A Colonial Council would have great advantages over that for India, because it would be representative in its nature. It would consist of delegates sent by the colonists, who would receive specific instructions, and would come over full of knowledge on the subjects with which they would deal. It would be impossible for a Secretary of State to disregard the representations of such a body, and so far from wishing to do so, he would no doubt feel it a highly valuable assistance in the discharge of his duties. That appears by far the most practical and tangible recommendation on the subject before us, and I believe it commands the support of the Section. We are greatly indebted to gentlemen representing the colonies, who have spoken with equal temper and ability, and have given us much valuable information. I trust that colonial questions may often be discussed in the Association with as much success as they have been to-day, and I can assure those gentlemen that all here deprecate any severance of that tie which makes us with them fellow-subjects of the Queen.

CHARITABLE ENDOWMENTS.

What limits ought to be placed by Law to Charitable Endowments? By THOMAS HARE, Barrister-at-Law.

THE subject of Endowments has been before this Society on many occasions, but never so prominently as in the present year, in the discourses of Mr. Hobhouse,* and in the papers in which the value of endowments is considered by Mr. Lowe,† and Mr. Mill.‡ Assuming that these are known to my hearers, I shall confine myself to extracting from them, and from other sources, in as few words as I can, some distinct principle applicable to charitable foundations.

* First, let us consider whether the State is justified in offering any bounty upon endowments, so as to promote their creation. In our modern educational system, by which the contributions of voluntary donors to the primary schools are aided by annual grants, it is obvious that a premium is in fact given to the schools which receive

* "Lecture on Charitable Foundations in England," by A. Hobhouse, Q.C. Longman, 1868. "Whether the present Tendency of Opinion on the Authority due to Founders of Endowments operates to give them too much power?"—Sessional Proceedings" of the Association, May 10, 1869.

† "Endowments or Free Trade." Bush. London: 1868.

‡ "Endowments."—*Fortnightly Review*, April 1869.

ocal support. But this State contribution, so far from being a premium on endowments, is properly withdrawn where the school is supported by endowments and not by voluntary gifts. There is, however, a distinct bounty upon endowments, which seems to me the most glaring inconsistency and absurdity of our financial system. Perhaps most of those present would scarcely believe it, until the fact is put before them in distinct words,—that if the owner of any realised property, say, the houses in the adjoining street, should think proper to convey them to trustees of a so-called charity—let it be to give away bread in the market place of Bristol, or to support an almshouse for bankrupt traders—no sooner has this been done than the State liberates such property from taxation, and imposes the amount upon the other taxpayers. In this way an unknown sum, to be calculated probably by hundreds of thousands, is taken every year and distributed indiscriminately, no one knows how, or to whom, whether for good purposes or mischievous ones, whether to the deserving or the undeserving. Mr. Gladstone in 1863 made an effort to arrest this waste, but the time was not favourable to reform of any kind, and the attempt was stifled by the stolid opposition of a crowd both of Liberals and Conservatives, not of one party more than another,—of law makers who were alike unmindful of the universal truth, the rule for all, but for them above all,—that justice must precede charity. “Be just before you are generous.”

As to the limits which the law should impose upon endowments, the reverse of artificially promoting them by bounties, there seems to be a general concurrence of nearly all who have considered the subject, that whatever their value or utility at the time of their creation, the watchful eye of some independent authority is always necessary to prevent their mischief and abuse. The offspring at first of imperfect knowledge and limited foresight, designed by a prescribed and fixed method to supplement the work of nature, and palliate or remove some immediate and obvious evil, it is their essential character to stand still while the conditions of mankind change, and they thus become out of harmony with and generally obstructive of human progress. We are taught, moreover, by the universal history of endowments, that their administration has never corresponded with the original design. The philanthropy of the founder is not hereditary, enthusiasm (as Mr. Lowe observes) does not descend; successive trustees, when not necessarily corrupt, act more and more in conformity with their individual prejudices and partialities, and with a view to their personal gratification. What was designed for one class is usurped by another. Lord Bacon, in a paper of advice to King James, on Sutton’s Charterhouse foundation, says, “If such an edifice with 6000*l.* a year be converted into a hospital, it will in time degenerate to be made a preferment of some great person to be master, and to take all the sweet, and the poor to be stinted and take the crumbs, as it comes to pass in divers hospitals of this realm, which have but names of hospitals, and are

but wealthy benefices in respect of the mastership, but the poor, which is the *propter quid*, but little relieved." *

The reports of commissions of enquiry extending over much of this country, are full of examples of futility and mischief, as well owing to a servile adherence to the letter, as to a departure from the spirit of the endowment. The cases of any actual and permanent good of a national kind, preponderating over the aggregate mischief, are rare exceptions. It is with a view to the constant supervision and revision, and to the lamentable impediments thereto, caused by the prevalent superstition that some sacred character attaches to the design of the founder, that Mr. Hobhouse has so effectually appealed to the common sense of the public. He has sought to remove every doubt of the incontestable right of the State, in the words of Turgot, "to dispose of old foundations, or to direct their application to new objects." I should say that Turgot adds to this expression another alternative: he says, "to direct their application to new objects, or, which is better, to suppress them." †

Whether we are by considerations of sound policy reduced to the latter alternative, or compelled to adopt it in, and in what, measure, is the question now before us. Mr. Lowe, speaking of one class of endowments, observes on the infirmity of institutions which require so much "shoring, girding, propping, and buttressing," as they are admitted to do; but allowing that in the shape at least of buildings, such, I presume, as colleges, hospitals, and schools, and of libraries and museums, they may be useful; he cannot, I think, be considered as counselling their entire suppression. The advocates of that extreme doctrine are but few.

If the progress of civilisation and knowledge, with their attendant advantages, were a matter of steady and necessary growth, so that without any exceptional energy, any extraordinary evolution of thought, or any result of deep speculation, each successive age would be necessarily an improvement on that which preceded it, the entire work of moral and intellectual development might be left to such natural forces, and any attempt to stimulate human effort might be dispensed with. This progress in the bulk of mankind we are well warned is not spontaneous, but is confined to a few, whom the rest follow. It is to the few who perceive, or think they perceive, some remedy for the physical or moral evils or the intellectual wants of their time, or of the society around them, that the world is chiefly indebted; and when any of these persons possess, in the shape of wealth, the means which they consider to be suitable for applying the remedy or supplying the defect, I cannot help thinking it folly to reject such contributions towards the public welfare, because they may happen to be sometimes ill-devised or unfitted for their purposes. If there be any ground to doubt the result of the scheme,—if it cannot be clearly pronounced to be mischievous,

* "Advice to the King touching Sutton's estate." Works of Francis Bacon. Vol. II., p. 248. Longmans: London. Ed. 1868.

it is the part of wisdom to give it a reasonable trial. I regard endowments as an important element in the experimental branches of political and social science. No doubt the nation at large may take upon itself the cost of such tentative efforts, but this involves taxation; and the assent of the majority to increased taxes could not be justly demanded by philanthropists or projectors, and certainly would not be obtained until their speculations had taken such hold upon the public mind as no longer to require an exceptional support or propagation. The most important steps in human progress may be opposed to the prejudices, not only of the multitude, but even of the learned and the leaders of thought in a particular epoch.

In the paper which I have quoted from Bacon, he deprecates the literary education of the masses of the people: "For grammar-schools," he said, "there were too many, and there would be no providence in adding to the number. It was servants, shepherds, apprentices that were wanted; there were already too many scholars." But in that state of society, when there was so small a disposition even in the highest order of minds to encourage or promote the education of the labouring classes, it will hardly now be argued that any one with more comprehensive sympathies ought to have been prevented by law from devoting his property to the purpose of teaching the children of the poor in his town or village the best learning that was then known or appreciated. An endowment is a standing protest on behalf of weakness against the negligence, indifference, or ignorance of power. It may or may not be deserved—society may be right and the individual wrong,—but there is no reason why the attempt at amelioration, if it has any semblance of propriety or justice on its side, should not be allowed a sufficient trial. By such attempts to promote the general well-being, as Mr. Mill says, discussion is kept alive and prevailing opinions and customs are put upon their defence. Bacon, while he objected to an endowment for the teaching of children, proposed that it should be employed for the teaching of men—as salaries for readers in the arts and professions, law, physic, philosophy, mathematics, as "a college for *controversy*, whereby we shall not proceed single, but shall, as it were, double our files." It is impossible to consider the state of modern society without perceiving that there are objects of infinite value which it is hopeless to expect from taxation, and to which Endowments might lead the way, and the force of popular appreciation in the end accomplish.

Beyond the direct influence of endowments arising from the application of their produce, we have in the corpus of the endowments themselves a new, and hitherto unexplored field of experiment, precisely suited to meet, and perhaps ultimately to satisfy, that craving which is felt in the heart of modern society for the better organization of labour. The occupation and improvement of the public estates, held by foundations of every kind, would afford to co-operative associations of skilled and hitherto unskilled labour opportunities of employment and enterprise, which may assist in the

solution of problems of industrial life, that become daily of more intense interest and importance. The estates of the various foundations, as the existing leases and tenancies terminate, may be thrown open to associated bodies of workmen, by whom the dwellings and buildings on such property in the cities and towns may be improved, and their accommodation and value vastly increased. The cultivation of the country estates may be offered to co-operative societies of agricultural labourers, and the attempt made on a small scale in the well-known Suffolk experiment may be thus gradually developed throughout the kingdom, and adapted to every kind of farming. The method in which this may be set on foot I reserve for consideration in another place, as it would occupy too much time; only adding here that the impediment to the devise of real property for public uses, created by the Mortmain Act of George II., ought not, I submit, to be continued in the Statute Book.

The main question on which the advocates and opponents of endowments are really at issue is, on the possibility of creating a presiding and remedial jurisdiction, so free from prejudice or partiality that it may be empowered, for reasons which it deems sufficient, to revise the administration and vary the employment of endowments, after time shall have been allowed for testing the value of the experiment. Assenting, as it is impossible not to do, to the conclusion of Mr. Lowe, that it is beyond the power of founders to embody in their foundations that principle of correction and regeneration which is found in the curative operation of nature; is it not possible that such regenerative force may be communicated by the external influence of the State through some minister or department invested with adequate powers? This has never yet been attempted. Every legal or administrative jurisdiction has been made absolutely and purposely incompatible with it. Dissatisfied at last with the clumsiness of ordinary judicial machinery for the superintendence of endowments, the Legislature established, first temporary commissions, and then a permanent one, but merely to uphold the same rules by a more summary process, or, in some rare cases, to apply to Parliament for new schemes. This latter device has failed in practice. (Among other cases in proof of this Mr. Hare referred to Brown's Charity Bill,* mentioned in the papers both of Mr. Mill and Mr. Hobhouse.)

* I do not believe that endowments directed to the extension of knowledge, the inculcation of a sense of rectitude, and to the teaching of the methods in which social and political duties can be performed, need to be thus frustrated of their purpose. I cannot believe that this infirmity in our institutions is inevitable. The very existence of this Congress is a proof that, to arrive at something like a

* See Hansard, "Parliamentary Debates," vol. 188, p. 495-501. Contrast with this legislative method of dealing with an endowment for promoting the humane treatment of the lower animals the appeal lately made on behalf of the same cause by Miss Burdett Coutts, and the public feeling which it has evoked.

science of the causes of the miseries and evils that modern civilization appears either to bring with it or to fail in removing, is not regarded as desperate or hopeless. Whether the objects of endowments be to promote education, to heal disease, or to relieve poverty, we have in them a basis for experiments in sociology that may be invaluable. It is possible to appoint public officers whose duty it should be in dealing with foundations to be ministers not of the letter that killeth, but of the spirit which giveth life. Such functionaries, not distracted by the political practices of the hour, or bound to a literal observance of any prescription, directing their attention to the most effectual way of accomplishing the leading design, so far as it is just and good, may, in the true road of discovery which students of nature pursue, develop by experiment new methods of organization, and arrive at a greater facility of resource in encountering social necessities and making known the tendencies most likely to lead to elevation of character and the general happiness of man. They may act in the light of day, under the constant criticism and control of public opinion. Every scheme of essential alteration may be laid before Parliament prior to its adoption, together with the reasons for it, and it may be subject to the veto of the two Houses. I formerly suggested that this might be done by a resolution in either House. I would now propose that the objection to be effectual should receive the assent of both. The Endowed Schools' Bill, hampered though it be by restrictions on its operations, we may yet hope is an important initiative of a rational system in this direction.

It has been frequently said that if the application of endowments should be subjected to change by the authority of the State, we shall, in future, have few new foundations. This, I think, brings us to the true and natural solution of our question—the limits of endowment. By the self-operation of the principle of State control, we shall exclude the endowments of those who, clutching power with their last grasp, will bestow nothing unless they are promised perpetual obedience, and we may then accept with undoubting confidence the foundations of those who are better and wiser,—of those who look with faith and hope to the future, who are conscious of the limits of human foresight, and are willing that those who come after them shall inherit the power which they themselves are exercising. It is from such endowments, if by any, that our own time and posterity will derive benefit, and we may well dispense with the legacies of pride and inordinate conceit, of narrow-mindedness and superstition.

On the Same. By LEWIS FRY.

IN this paper I propose to describe the restrictions imposed by the law of England upon the gift of property to charitable uses, and to consider the question whether it is desirable to retain or modify them. It may be well to premise that the expressions "charity"

and "charitable" are here used in their proper signification, as including, not only the relief of poverty or distress, but every object of a public character.

It is not necessary to my present purpose to enter into the history of the numerous early Acts of Parliament appearing in the Statute Book, which forbade the gift or sale of land to religious houses or to corporate bodies. This process was described in ancient legal phrase as an alienation "*in mortuâ manu*," or into one dead hand, in allusion to the perpetual and unchanging character of a corporate body, and was strenuously opposed by the Crown, inasmuch as it involved the loss of the benefits accruing to the sovereign as feudal superior upon a change of ownership and upon other occasions.

These Statutes had exclusive reference, or nearly so, to corporate bodies, and as the Crown had, and still has, power to relieve any corporation from their operation by a license to hold lands in mortmain, a privilege which is possessed by almost every modern corporation, the Acts of Parliament in question have lost their importance, and we may confine our attention to the only restrictive Statute of practical moment—the Act of the 9th Geo. II. c. 36, often, though not very accurately, referred to as "the Mortmain Act."

The preamble of this Statute recites that gifts or alienations of land in mortmain were forbidden by Magna Charta, and other wholesome laws, as prejudicial to the common utility, and that such public mischief had greatly increased by many large and improvident dispositions made by languishing and dying persons to charitable uses, to take place after their deaths to the disherison of their lawful heirs. And it is then enacted in effect that no lands or hereditaments, or any interest in, or incumbrance affecting the same, nor any money to be laid out in the purchase of lands, shall be given or settled to or upon any persons, whether corporate bodies or not, for any charitable use, unless by deed executed in the presence of two witnesses, twelve months before the donor's death, and enrolled in Chancery within six months after its execution, and unless the gift or disposition be made to take effect absolutely and immediately, and without any power of revocation or other reservation for the donor's benefit. And all gifts or dispositions not made in the above manner are to be void.

It is apparent both from the preamble and the provisions of the Act, that its object is to forbid the gift of land to charities by will, and that the enactments it contains affecting dispositions by deed are designed to prohibit arrangements in effect, though not in form, testamentary, such as deeds of gift to be kept concealed during the donor's life, or made subject to revocation by him, or to the reservation to him of a life interest or other benefit. Many of the provisions of the Act however extended to all dispositions of real estate to charitable purposes, and thus included purchases for value made on behalf of charities, and many difficulties of a very technical nature were by this means created in the titles of charity properties which were very generally unmarketable. Several of these difficulties have

been removed by legislation (including some very recent Acts of Parliament), and I do not propose to touch further upon this branch of the subject, but proceed to consider the Statute in its more important features, and as applying to gifts made to charities by will or to operate on the donor's death. It will be observed that the Act extends not only to land itself but to any estate or interest in it, and to any charge or incumbrance affecting it, and in consequence many descriptions of property, having all the practical characteristics of personalty, but more or less closely connected with land, have been adjudged to be obnoxious to its provisions. Thus money due on mortgage or equitable charge on lands, turnpike bonds, securities on local rates and railway debentures, cannot be bequeathed to a charity; and not only so, but even if the testator, instead of bequeathing such property specifically, directs that it be sold, still the proceeds are regarded in law as so far tainted with the character of realty as to be within the Statute, and the legacy will fail. To decide what descriptions of personal property do or do not fall within the Act is often a matter of the greatest doubt and difficulty, depending sometimes upon distinctions of a very technical and refined character, as for instance, in the case of shares in public companies holding land which have, after much litigation, been settled not to be within the prohibitions of the Statute, and in the case of railway debentures, which are held to fall within the Act where they are in the form of an assignment of the tolls, but to escape its provisions where they are in the form of bonds.

The difficulties thus arising have been rendered greater, or at any rate of more importance, by an extraordinary principle adopted by the Court of Chancery. That Court has dealt with charities with a very uneven hand, treating them at times with great leniency and favour, and at others with extreme severity. The case we are now considering is an example of its disfavour. It will be borne in mind that a legacy to a charity cannot be legally paid out of many kinds of personal property which, as above-described, are considered to be affected with the character of realty. But where a testator, who bequeaths a charitable legacy, dies possessed of personal property, a portion of which is wholly untainted with this character, and therefore free from the provisions of the Mortmain Act, common sense and right reason would dictate that such legacy should be paid out of the latter portion of the estate, by which means the will of the testator could be carried into effect without any infringement of the law. Such a simple method of arranging the testator's property, or, as it is technically called, "marshalling the assets," is familiar to the Court in other analogous cases. But, strange to say, it refuses to apply this principle to the case of a charitable legacy (in the absence of an express direction in the will), but declares on the contrary that such a legacy shall be considered as payable out of every portion of the testator's personal estate proportionately, and that if, as is generally the case, the personal estate consists partly of securities obnoxious to the Statute, then, to such a proportion as this part bears to the

whole, the legacy is void, and shall fail accordingly. Thus, if a testator having 20,000*l.* in consols, gives 1000*l.* to a charitable institution, and if his personal estate consists of this 20,000*l.* in consols, and of a like sum of 20,000*l.* secured on a mortgage, then, as half his personal estate is within the Statute, half his legacy will fail. Or if, when he made his will, his personal estate should consist wholly of this 20,000*l.* in consols, yet if subsequently he should sell a landed estate for 10,000*l.*, and happen to die before the sale is completed, one-third of the legacy will be void, because the proceeds of the land are part of his personal estate, and are within the Statute. Yet by this same transaction the fund for payment of his general legacies will have been largely increased. It is true that in every well-drawn will containing a charitable legacy, a clause is inserted which expressly directs that the legacy shall be paid exclusively out of the pure personalty, but this provision may often be absent, or be incorrectly framed, and it is a reproach to our law that in such cases so unreasonable a mode of administration should be adopted, and that our wills and other legal instruments should be cumbered with technical, and (to the non-professional person) obscure clauses introduced, as is too frequently necessary, in order to prevent the application of the principles laid down by our courts.

Another class of cases arising under the Mortmain Act has been equally fruitful of doubt and litigation with those already adverted to. I refer to cases where the trusts declared by the will of the money left for charitable purposes are such as to involve, either directly or indirectly, the acquisition of land by the trustees. In very many instances bequests have been set aside upon this ground, but the discussion of these cases would be of too abstruse a character for the present occasion, and I merely allude to them as an additional evidence of the difficulties surrounding the existing state of the law. Indeed few branches of our legal system have been more productive of litigation than the clauses of the Mortmain Act.

The present law of mortmain is therefore, I now submit, obscure in its provisions, partial and ineffectual in its restrictions, and such as clearly demand amendment. In what direction then shall we look in making such a change? If the reasons which produced the Statute of 9 Geo. II. are of weight, and if it is still to be feared that languishing and dying persons may be induced to make improvident bequests to charitable uses, or that men will seek by such means to atone for an ill-spent life, or to gain a reputation for benevolence by devoting to charity that which they can no longer retain for selfish ends, surely such considerations as these apply with as much force to gifts of personal property as to those of real estate, and tend to the total prohibition of all power of bequest to charitable uses. But may we not believe that the progress of intelligence has to a large extent placed such acts in their true light in the view of the community, and lessened the inducements to improvident and extravagant dispositions? And will not testators who desire to disappoint their expectant relatives find ample means

of effecting this object, in spite of any prohibition of the kind in question? Let us bear in mind the numberless undertakings of the utmost value to society which are supported in our country by voluntary effort, and though there are, no doubt, grave defects in the management of many charitable institutions, are we prepared to dispense with, or to lessen, the resources of our hospitals, our asylums, our reformatories, and our innumerable educational institutions, and to say that all bequests by will to these and other similar objects shall be wholly forbidden? And is it not within our daily experience that in the majority of cases such charitable bequests are the result, not of eccentricity or malevolence, but of a genuine benevolence, which has shown itself throughout the testator's life? 8

The above considerations, coupled with the growing opinion that exists in favour of assimilating, as far as possible, the laws which affect real and personal property, induce the writer to advocate the entire abolition of the present restrictions upon the power of devise or bequest to charitable purposes. It must, nevertheless, be conceded that there is something to be said in favour of retaining the distinction between land and personal estate. There are marked and essential differences between them which cannot be overlooked. Personal property is capable of indefinite increase, whilst real estate is of limited extent; and an estate settled to charitable uses is usually permanently withdrawn from the market, and no other can be manufactured to supply its place. Such an argument is not devoid of weight, but if it must prevail, it ought to induce us to extend the prohibition, not merely to devises by will, but to gifts by deed, and to the frequently occurring cases of purchases by charitable trustees. And it may be observed, on the other hand, that the landed estates of charitable foundations are probably on the whole more wisely and liberally managed than those of ordinary proprietors, and that whilst the existing features of our system of landed estates is maintained, there appears but little reason to suppose that the removal of this single restrictive provision would produce any injurious social effect.

But if it be thought desirable to maintain this distinction between real and personal estate, surely the line of demarcation between property which may and that which may not be bequeathed to a charity should be broadly and distinctly drawn, so as to be apparent to the layman as well as to the lawyer, and so that on the one side of it should be found only such property as possesses the practical and substantial characteristics of land, and on the other all the various forms of personal estate. To effect this it is submitted that it would be sufficient to forbid the devise or bequest to a charity of estates of freehold, or terms of years in land, or other real property, and to permit the bequest of all kinds of personal estate, even though possessing some connection with realty, and also of the proceeds of land directed to be sold. And if it be considered that in some few cases ~~charities~~ might thus incidentally become owners of real estate, as by the foreclosure of mortgages or similar means, it would be easy

to provide that it should be the duty of the executor or trustee to convert the property into money, and to make over the bequest in that form to the charity.

Whilst thus advocating the abolition of all restriction upon the kind of property which may be left by will to charitable uses, I by no means regard the right of a donor to create a perpetual endowment and to prescribe its details as one which is to be treated with unlimited respect. In no other case than that of a charity does our law allow to the owner of property the right to dictate for all time the mode in which it shall be enjoyed. Such a power appears to have little or no foundation in natural justice, and must be considered as subject to the right of the community to intervene and alter the destination of the property, in such manner as may from time to time be required by the common weal. It may be fairly questioned whether we do not treat with exaggerated tenderness the injunctions of donors, framed at remote periods, and without any possible conception of the state of society in which we find ourselves, and whether it would not often be extremely beneficial were some easier means provided for the revision of the purposes to which charity property is from time to time to be applied. The Endowed Schools' Act of last session, which gives power to divert to educational purposes several classes of non-educational charities, is an important step in this direction, and it is to be hoped that it may be followed up by others. I forbear, however, to enter further into this branch of the subject, which will probably be dealt with by abler hands during the present Congress, and have only here made any allusion to it lest it should be supposed that my proposal to remove the existing restrictions is connected with the opinion that the right of endowment should be in all other respects unfettered.

DISCUSSION.

Mr. E. CHISHOLM BATTERY remarked that Mr. Fry's object appeared to be to extend the power of endowment until the conclusion of his paper, when he very properly spoke of the necessity there rather was of curtailing it. It was a very remarkable power. He knew nothing which the judges had enforced with so much astuteness as the law of perpetuities, which prevented property being tied up for any longer period than lives in being and twenty-one years afterwards; but this law was relaxed in favour of what were called charitable endowments. Thus a man could give his property to his family only for lives in being and twenty-one years, as long as they were left in a state of competence; but if he chose to turn it into a charitable endowment for all his poor relations and compel them to wear some particular dress, he could continue it for ever. Nothing could be more anomalous than such a power, which arose out of the operation of a Statute of Elizabeth. That Act recited that from time to time sums of money and land had been given by pious testators for a number of charitable uses, such as building bridges, hospitals, schools, &c., and that it was desirable that these should be inquired into. If any person wished to know to what kind of charity he might give property, he must go to his lawyer and ask him to construe the Statute of Elizabeth. According to the ruling of the judges it embraced many objects which the reports of the Charity Commissioners had shown to be by no means proper, and such as ought not to enjoy exemption from the law of perpetuities. A distri-

bution of bread, for instance, in the market-place of Bristol, especially if coupled, as it frequently was, with compulsory attendance at church, was very objectionable. All must have observed an unusual attendance in the free seats on some particular Sunday, on account of somebody a few centuries ago having left a bequest for loaves to be distributed to the persons who attended church. The reports of the Charity Commissioners afforded thousands of instances of useless and even injurious charities tolerated by the present law. There were many difficulties in determining what should be allowed in the shape of endowment. The relief of poverty naturally occurred to one as a desirable object, including medical relief, and he could see no objection to the operation of the Poor Law being supplemented by charity. There was a great deal of distress which a legal system could not reach, and many arrangements for benefiting the poor which the Poor Law could not supply. Then, again, with regard to education. All who had listened to Canon Kingsley's magnificent address must desire a national system of education; but this might be beneficially assisted by endowments of various kinds, such as prizes and scholarships, pensions to schoolmasters, &c. Objects already stamped with the national approval might be supplemented by charity. Under the present law, any wild notions of religion might be stereotyped by the munificence of a believer in them, who might bequeath the whole land of a parish for views which most would regard as visionary. It had been the aim of the judges to protect all endowments for religious purposes. At first, indeed, there was a feeling that such endowments, when not in accordance with the established religion of the country, should not be allowed; but this was broken down, and within the last twenty-five years, one great section of our fellow-subjects, the Roman Catholic community, had been allowed to devote their property to endowments in favour of their religion. Now, if the mass of a nation was in favour of a particular religion, and if endowments in its favour were allowed, that religion being under no control, a powerful *imperium in imperio* was created. The proposal of Mr. Lowe, and he believed of Mr. Hare also, was that there should be a minister or branch of the Executive Government, who should have power to determine when a will had been made whether the property ought to be devoted to such a purpose. So wide a discretionary power ought not, however, to be given to a minister or Government. It was far better to modify the Statute of Elizabeth, and declare by legislative enactment to what purposes legislators should be allowed to devote their property for a term exceeding the ordinary rule. Everybody who had examined that Statute must be of opinion that it required remodelling, and that persons ought not to be permitted to devote property, whether real or personal, for an indefinite period, to the many pernicious and frivolous objects which the decisions of judges had sanctioned.

SIR JOHN BOWRING was glad that the necessity of some action on this important subject was admitted. Many of them would recollect the decision of the Court of Chancery on the bequest for English galley slaves. Very large sums had accumulated in the hands of some London companies, in consequence of a benevolent man, who had been redeemed from slavery, having left his property for the relief of such unfortunates. Lord Eldon said he could not interfere with the intentions of the donor by sanctioning any other application of the funds, for though no Englishmen were now in danger of becoming galley slaves, they might be at some future time. This was an intolerable state of things; and he also remembered a case in which lands of very small value at the time were left for the purpose of educating six boys. The managers ate as much as they could out of the funds, and made a small provision for education, dividing the residue among themselves. If at this moment a gentleman was determined to overthrow the Newtonian system, and left money for lectures against it, lecturers for such a purpose would probably be found. How could such a case be dealt with except on the general principle that Parliament could dispose of all rights and properties? The paramount consideration was the public good, and this ought to override the eccentricities of individuals. As to machinery, Mr. Hare's suggestion was one of great value; but the great thing was to impress on the public the fact that millions of money were squandered on useless objects which might be applied to the removal of ignorance and misery, and that the Legislature ought seriously to consider the best means of so applying them.

Dr. WADDILOVE said the question had been asked why there was a distinction between personalty and land. Now, but for the Mortmain Act of George II., real or personal property might be given to charities, but that Act confined it to personalty. There was a conflict on this question between right and expediency. By the former he meant a man's right to deal with his property as he liked, both during his life and after his decease; while expediency signified the desire of limiting or annulling such dealings, for the sake of the interests of society at large. It was laudable to wish to perpetuate one's name in connection with some charity, and the security of property encouraged industry, while the right of personal disposal was a privilege highly valued. He knew a hospital in London which had recently received 400*l.* out of a bequest, to be divided among the hospitals of London and Paris, and it was of great service to the institution. To the munificence, moreover, of an individual we were indebted for the creation of the National Gallery. He admitted, on the other hand, that there were absurd bequests, which ought to be controlled. The question, how far the natural right of a man to do what he would with his own, and to divert frivolous and useless bequests, was discussed at the Bradford Congress, in 1859, when the present Lord Chancellor read a paper on the subject. Lord Hatherley then urged that it was unreasonable to allow any person the privilege of fixing for ever the destination of any portion of his property, that the distinction between realty and personalty for charitable purposes was unsound, and that all charitable bequests should be subject to two conditions: first, that a definite scheme should be laid before the Charity Commissioners, and approved by them; and secondly, that such gifts should be revocable, and revoked by death within a year of their date. His Lordship further recommended that devises and bequests exceeding 200*l.* should not endure beyond the period allowed by law for the appropriation of money in other cases, except on behalf of some existing charity, and that if it exceeded such sum it should be given by will, executed at least twelve months before decease, and attested by a solicitor; that the Charity Commissioners should have power, subject to appeal to the Court of Chancery, on the application of the Attorney-General, to re-model the application of any charitable fund in cases where the income was applicable to sums not exceeding 10*l.* each for the benefit of individuals by way of pension, clothing, &c., so as to apply the whole or any part of it to another permanent endowment for hospitals or schools, and that there should be a general power of revision in the Commissioners, subject to appeal to the Court of Chancery, of all charitable endowments whatever, on the application of two-thirds of the governors, or with the assent of the Attorney-General, for the purpose of enlarging the scope of the trust, or varying its application to other charitable purposes. These were the Lord Chancellor's proposals, but it was to be hoped that in any measures that might be taken, the desirability of fostering benevolence would not be overlooked.

Mr. JOHN HANCOCK (Lurgan) thought there ought to be no bequests for charitable purposes under any circumstances. There were plenty of objects for charity during a man's life, but he did not believe in the charity of taking from his heirs or successors. The case of Lord Henry Seymour had been mentioned. Now, the sum of money spent in ascertaining what was the city of London, and what the city of Paris, and in settling the claims of the various institutions which put in a claim, was something fabulous. Mr. Haro, too, had alluded to the case in which money was left for a sanatorium for sick horses and dogs. The will was so curiously drawn that the trustees had been unable to propose any scheme which met the ideas of the Lord Chancellor, and they then thought they might persuade Parliament to sanction one which he had not approved. The will, however, contained a reversionary clause, providing that if the sanatorium at King's College, London, proved abortive, the money should be applied to endow a professorship of Hindoo at Trinity College, Dublin. Trinity College naturally objected to the trustee's scheme, and it was rejected, the money being at present locked up. These two cases showed the difficulty of dealing with bequests. He was himself a trustee of a small sum, left many years ago for the purpose of founding a school in a particular place, at which time the object was a very desirable one; but the bequest was saddled with an annuity to the testator's widow, which had lasted some years, and the capital was not to be touched till the interest had

accumulated to a sum equal to half the capital. That interest was then to be spent in the erection of a building, and the remainder of the capital was to go for the support of the school. Now, according to moderate calculations, not one of the trustees would be alive when the scheme could be carried out, and the object in view had been attained by other institutions, so that the Court of Chancery would have to be applied to, to direct some other application of the bequest. If a man like Mr. Peabody, or Mr. Mason of Birmingham, gave a munificent sum, the scheme was discussed in their lifetime, and they obtained plenty of assistance in developing it; but wills were secret and were not ventilated. A man who left his property for a sanatorium for horses, away from his family, did not consult his friends. The sound principle was to do good in one's lifetime, not by a *post mortem* distribution of money which belonged to others. As to existing endowments, they had existed for centuries, and it would be unwise to disturb them unduly, but there should be a periodical revision by the Charity Commissioners or some other body, so as to bring them in harmony with the age, for what was very beneficial in the reign of Elizabeth or James I. might be very foolish now. There was an inherent power in the State to vary the application of endowments.

Mr. H. W. FREELAND (Chichester) could not agree with Mr. Hancock that persons should be forbidden to leave money to charities. It would be most unwise to prevent them giving to hospitals, for instance, funds which were usefully employed. Mr. Hare had spoken of the exemption of charitable property from taxation, which he himself considered unwise. Mr. Gladstone's proposal in 1863 was one which ought to have been adopted. He was informed that, generally speaking, in America there was no such exemption from general or local taxation. As Mr. Hare had remarked, all were agreed that some control was necessary; the question was, what it should be? Now, he had already expressed an opinion, much in accordance with Mr. Hare's, that some body, such as the Charity Commissioners, should submit schemes or reports to the confirmation of Parliament. Parliament was too overwhelmed by business to take the matter into its own hands. Mr. Hobhouse's paper on the subject was well deserving attention. It referred to Thomas Suckford's almshouses at Woodbridge, the rental of which property had increased from 112*l.* to about 3000*l.*, while the Court of Chancery had increased the number of almsmen from thirteen to thirty-two. The inhabitants of Woodbridge were entitled to the preference, in default of whom residents in certain neighbouring parishes were to be appointed. The people of Woodbridge thus got the whole, and this town, with less than 5000 inhabitants, was extensively demoralised; a fact, however, which was not adverted to in the arguments of counsel or in the judgment of the court, the founder's intention being the only thing thought of. There was another case of a charity with 3000*l.* a year, and Mr. Hobhouse had shown how it attracted that class of people who lived at others' expense, and how it made the poor rates higher than in other parishes of equal population. There was also the case of Tancred, a Yorkshire squire, who passed over his wife's sisters to found a charity, because he did not wish the property to be divided or dissipated from his name. This illustrated every kind of testatorial vice—coldbloodedness, selfishness, and vanity. These examples were sufficient to show that some active interference on the part of the State was required. As for the action of the Court of Chancery it was very incomplete, and it was bound too much by precedents. It would be unwise, he thought, to abolish the distinction between different kinds of property. He had long contended against the expediency of allowing gifts or bequests to, or the purchase of land by, charities in any large quantities. Of course they must have sufficient land for buildings and grounds, but let the rest of their property be in the funds. That opinion had since been supported in a report presented to the Law Amendment Society, in which the Committee referred to the fact of land being necessarily limited in quantity, and stated that although the facility of sale had greatly modified the inconvenience, yet bequests of land should only be allowed in cases of necessity where the public good was promoted. At a recent meeting in London, moreover, on the subject of Mr. Hobhouse's paper, the opinion for which he had himself contended was supported by no less an authority than Lord Stanley. It was not desirable as a general rule, his lordship said, that landed estates should be per-

petually laid up in the hands of public trustees or for public purposes, and it was worthy of consideration whether it would not be well to impose on all founders beforehand some particular manner in which the endowment should be invested. If, he added, they continued to allow any individual to dispose in perpetuity of a sum of money as at present, it was not unreasonable to insist that the capital should be invested one way, viz., in the public funds. Of course it would be difficult to apply this to endowments already existing, but with regard to the future Lord Stanley saw no hardship in such a proposal. He was happy to say that Mr. Hobhouse, in whose hands he placed some of his own pamphlets on the subject, had adopted his views as far as his (Mr. Freeland's) district was concerned. The result had been most beneficial, and he hoped Mr. Hobhouse would have strength and courage to extend the principle gradually, as far as his action in the commission of which he was a member was concerned, over the whole of England.

Mr. E. S. ROBINSON (Bristol) had seen for so many years the evils resulting from endowments, that he had almost arrived at Mr. Hancock's conclusion that charitable bequests should be prohibited altogether. Religion, education, and poverty, embraced most of the objects for which endowments were created. Now, he had recently seen endowments for religion treated very rudely, by being diverted to secular purposes. Educational endowments had been the means of providing large revenues for individuals, and had frequently failed to provide instruction where it was wanted. As to endowments for the poor, it was notorious that they created demoralisation to a great extent. In the parish where he carried on business, doles were given which created a large number of paupers, and this was the case throughout Bristol. He did not think Parliament would have laid violent hands upon endowments in Ireland, had it thought religion would be thereby checked in any way, and he believed that before long it would be held that education was burdened, and the people pauperised, by endowments. Was it, then, too much to prohibit them, seeing that the results had been so opposite to those intended? The Statute of George II. had been alluded to as if it were the first on the subject, but scores of Statutes were passed previously with the same object, viz., to prevent land being left for the purpose of supporting religion. The power of the priests was exercised for centuries in inducing people on their death-beds to leave land for the support of religion. In Sweden, in the time of Gustavus Vasa, it was feared that the whole property of the country would be in the hands of the Church. Religion was the best thing in the world, and, therefore, if it was right to endow anything, it was right to endow religion. If endowed at all, too, it was right to endow it with what was the most stable thing in the world, that which would not be picked up and taken away, viz., land; yet the law declared that land should not be left for such a purpose. Surely, then, the doctrine should be carried further, and the law should prohibit the leaving of property also for religion, education or the poor.

The PRESIDENT remarked that it was desirable to know what was done in other countries, and as they were favoured with the presence of an eminent American lawyer, he would ask him for some information on the working of the law of charitable endowments in the great republic of which he was so distinguished a citizen. •

The HON. WILLIAM BRACH LAWRENCE: Of course it is incompetent in me to follow the gentlemen who opened the question with regard to minute details as to the Bill under consideration. All that I can do is to state some facts, inferences from which I leave you to draw. My attention was very much called to the subject in consequence of having been counsel for one of the parties in one of those great religious controversies, where the question was as to the faith of the founders, a class of case tried in this country some years since, and set at rest by a special Act of Parliament. My case was one of a congregation established before the Declaration of Independence, for the support of Calvinistic doctrines. It turned out that only three or four persons adhered to these doctrines, all the rest having become German Lutherans, and afterwards German Reformers. One or two persons undertook to effect two or three thousand, who were in the use of the church. In the course of the investigation I had to look into the whole subject, inasmuch as all our law was deduced from the English law. I was much

struck with Sir J. Bowring's remark that endowments might be intended to perpetuate error, and I asked what would be done with an endowment for upholding the Ptolemaic system of astronomy. If a change could be made in such a case, why should you not let those have the property who, in consequence of discussion, have rightly or wrongly come to conclusions different from the peculiar opinions of their pious ancestors or predecessors, for had those ancestors been now living, they would probably have adopted the same conclusions? The case came before the Senate of the State of New York, as the Court of Appeal, but contrary to the practice of your House of Lords, all members of the Senate, whether lawyers or not, were in the habit of taking part in the discussion. I never, indeed, had a more satisfactory audience to address, because they were not all so learned but that one might go fully into the case, as some might be supposed not to know everything which a judge might know. It was in equity, and came by appeal from the decision of the Chancellor. I argued it upon the principle that there was progress in science and knowledge of all kinds, and that it ought not to be arrested by any arbitrary decision for the purpose of perpetuating old error, as believed in 200 or 300 years ago. The Chancellor, it happened, was a vehement Calvinist; his opinion was strongly against my clients, and he did all he could to sustain his opinion; but I carried the Senate by a vote of twenty-six to four, the decision being that if the people who constitute a congregation changed their views, the property might be retained. I state this only as the virtual result, inasmuch as no general opinion was rendered, but the opinion of individual members, and only the vote decided it. Like you, we have charities established for very benevolent purposes, the object of which has failed. A very large portion of the city of New York is now the property of a corporation of that description. The donor gave it for disabled seamen; but I believe that for some time past there have been only two or three inmates in the hospital. There are splendid grounds, and the situation of governor is a very valuable one, but there is such unwillingness on the part of disabled seamen to submit to the regulations, that they have scarcely any inmates; yet all this property is held in mortmain for the purpose of carrying out the trust. A very large portion of the remaining part of New York is held, moreover, by two religious establishments, one of them the old Reformed Dutch Church, which existed before New York was a British colony, the other and more important, Trinity Church, the Episcopal Church succeeding to the Church of England. Now, while the Catholic countries of Europe, almost without exception, have expropriated the property given for religious purposes, and while discussions have taken place in this country respecting the possibility of such a thing, every attempt made in New York, directed against the corporation of Trinity Church, has signally failed; the two Churches, like the Catholic Church in Canada, retain the property secured to them at the time of their foundation. Many attacks have been made on the United States for their disregard of religion and the absence of an Established Church, but the Bishop of New York, after returning some twenty years ago from a visit to Europe, preached a sermon on the great advantage of the Church not being connected with the State, and I am sure that had it been connected it would not have kept its property to this day. There seems to me much force in the proposition, which my old friend and political schoolmaster Jefferson used to inculcate, that a generation had no right to contract a debt that should not be paid within the generation. May we not apply the converse, and if every generation is to pay for itself, is there any reason why any bequest should be left to it from a preceding generation? Is it not infinitely more important that money should now be expended in educating different classes, the results of which would benefit all future generations, than that it should accumulate at compound interest for our grandchildren.

Mr. FREDERIC HILL had been glad to hear from so distinguished a man as Mr. Lawrence the experience of the other side of the Atlantic. The decision which he had mentioned was such as we might expect from a tribunal like that proposed by Mr. Hobhouse, than whom no man had more completely mastered this question. He had proposed that all charitable bequests should be subject to periodical revision by a tribunal to be appointed by the Government, and therefore responsible to Parliament, with the view of bringing them into harmony with the wants of the age. With regard to the apprehension that such a step would tend to dis-

courage bequests, he ventured, on a former occasion, to express his belief that so far from this being the case, many persons would be induced to give money to purposes of various kinds, whereas now, on their deathbed, they were very much puzzled to know what to do with it. They would feel that there was a body responsible to Parliament, who would, in all probability, manage the property so as to obtain from it the greatest possible benefit. It need not be feared that the springs of charity would be dried up. Two of the speakers had startled him by proposing that the power of bequests for charitable purposes should be altogether set aside. Now, while it was not wise for the State to encourage bequests by exempting charities from taxation, it would be extremely unwise to prohibit gifts for public objects. No doubt bequests were often unwisely given or badly administered, but this was the case with all other gifts. All must be acquainted with cases of money left to individuals which had been wretchedly applied, yet would anybody propose that if a relative was addicted, say to habits of intoxication, you should not be allowed to leave money to him? Money again was sometimes left to sharpers, who managed to influence dying people. Mr. Robinson's objections all referred to bad administration. Now the tribunal proposed by Mr. Hobhouse would correct anything of the kind, and with such a corrective power we might expect that money left for charities would be some of the best property which one generation could bequeath to another. He agreed with Mr. Fry that all restrictions of mortmain should be swept away. He saw no reason for such hampering. Mr. Batten's proposal was that bequests should only be allowed for certain specified purposes, but directly he began to enumerate them he saw the difficulty. This would be avoided by allowing bequests of all kinds, subject to this corrective power, which would correct not only the object but the machinery for securing it. Lord Stanley and Lord Lichfield, men of different parties and with minds cast in different moulds, had adopted Mr. Hobhouse's general principle, that the dead ought not to rule the living, and that all bequests should be under the controlling power of an authority which would secure the greatest amount of good.

Mr. T. WEBSTER, Q.C.: I cannot concur with those who argued that no bequests whatever should be allowed, for that goes to the root of the disposition of property altogether. It may be wise to place some restrictions on the power of disposition, but as long as anybody can be found to advocate the principle that a person may do what he likes with his own—a principle which I hope will be adhered to—you cannot forbid bequests altogether. I agree with those who say that property is not the property of the dead but of the living, but as long as you allow a man to leave the whole of his property away from his family to any individual, you cannot interfere with his leaving it to any object he wishes. It is the question of revision and administration to which we are tending. If, as suggested by Mr. Hobhouse, you have a body of persons to subject all charitable bequests to periodical revision, you afford the utmost possible protection for carrying out the intentions of the donor. I agree, too, with Mr. Hill that the knowledge of such a revision would not discourage charitable intentions, but would give people a security which they do not at present possess. To the rightly disposed it would be an encouragement, while the wrongly disposed it would deter from leaving money for utterly absurd purposes. I should be sorry to see a check put upon funds for educational purposes, but they should be subject to control. I remember that many years ago, when the matter was first brought forward by Lord Brougham, he stated that if the educational endowments of the country were properly administered they would be ample for the whole education of the people. I cannot agree with those who object to land being held by charities, nor do I see any reason for the distinction between real and personal property for that purpose. Some instances exist in which property of that kind has been invaluable. I know one in the City of London, where there was a bequest of land which amounted to 600*l.* a year, and which for many years educated sixty boys. A public spirited man, Alderman Hall, promised another 600*l.* if the funds were made up to a certain sum, and those funds became the nucleus of the City of London School—the most successful school of the day. Distribution of alms are no doubt, very demoralising. They are quite inconsistent with the Poor Law, and ~~and~~ increase the pauperism of a particular place is the worst form of charity. As the ~~law~~ ^{law now} stands, bequests for purposes contrary to public policy, are invalidated, and it

might fairly be held that doles, and such like, should come within that category. The best course would be to invalidate such bequests, and let the property go to the next of kin.

The Rev. H. O'DONNELL thought it would be difficult to suppress bequests altogether. The succession duty was evaded by persons handing over their property during their lives, and bequests would be made in the same manner if they were prohibited. As to the Church of England being benefited by interference with her endowments, which Mr. LAWRENCE had seemed to imply, he thought she was not so well off in some respects as the Church in America. A revision of the land and property of the Church of England might be much to the advantage of that Church. Charitable institutions generally would be benefited by constant revision. No man on abstract principles had an absolute right to the property he possessed, for no Government could exist without infringing on such a prerogative. It had consequently a right, periodically, to revise dispositions of property. There should be some principle of revision, but it would be better to wait till there were sufficient *data* to go upon. Parliament might possibly commit errors in revising institutions, but as it did not profess infallibility, it would be able to correct such errors hereafter.

Mr. HANCOCK explained that he had not advocated the restriction of benevolence during a man's life, for he thought people ought to be more liberal to hospitals and other excellent institutions. Let a man give away the whole of his property in his lifetime if he choose, for one part of charity was self-denial, and the maxim was a good one, *Bis dat qui cito dat*. What he objected to was, that a man should give by will what he was not willing to give by his own hand.

Mr. LAWRENCE had also been misunderstood. He had simply stated the course taken with regard to two great establishments, one founded under the Dutch and the other under the English Government; and he had expressed no opinion on the expropriation of ecclesiastical property. As a foreigner he should not think of entering into such a subject. He had merely stated that, notwithstanding the great political changes in the United States, that property had never been touched, and that in Canada the English Government had adhered to the treaty of 1763, by which, wisely or unwisely, a large portion of Montreal and Quebec was assigned to an ecclesiastical corporation. He ought to have stated that two points were insisted on before the Court of Error, one being that the congregation in point of fact had not changed the religion of their ancestors. He had a personal interview with ministers of various religions—Episcopalian, Lutheran, Catholic, and Reformed Dutch, and interrogated them upon the distinctions made between consubstantiation and transubstantiation, and he was unable to get any intelligible explanation from any one of them. He recollected calling on one gentleman of high distinction, and on his stating what he supposed to be the doctrines of his body, the gentleman denied it *in toto*, but he (Mr. Lawrence) took out a book which showed him to be correct. These people had so entirely abandoned their original doctrines, that even this gentleman, one of the best educated among them, really did not know what the Synod of Dort had decided. There had been frequent attempts to obtain legislation unfavourable to these endowments, but they had invariably failed; and if he drew any moral from this it would be that, notwithstanding the absence of an Establishment, the imputation of total inattention to religious matters was untrue, such matters, on the contrary, being more sacredly guarded than anywhere on the continent of Europe.

Mr. HARE, in reply, said he could not understand on what principle gifts for public purposes should be rejected. It was said that they might consist of real estate, and so might take land out of the market, while others urged that they might be injudicious, and calculated to do more harm than good. There might be an objection to a testator so disposing of his property if he had left his family unprovided for, and the law might require that they should have an adequate maintenance; but if he had entirely performed his duty to his relatives, there was no ground for rejecting the gift and handing it over to the next of kin, unless, indeed, the State were so entirely incapable of dealing with what was given that it could not devote that a good purpose was. Now, in view of our social conditions, and of what might be done even, if necessary, to relieve taxation, was it possible to say that a department of the State, appointed for the purpose of try-

ing experiments, and of ultimately ascertaining whether good or evil was done by certain charities, would be incapable of dealing with the bequest? The Endowed Schools' Commission was evidence to the contrary, and he thought it would lead to further action, and to means being found of devoting such funds to some good purpose.

The PRESIDENT: It seems to me that we are pretty well agreed on one matter, viz., that we should not sweep away the power of endowment and charitable bequest altogether. That, no doubt, has been urged, with his usual ability, by Mr. Hancock, and I think Mr. Lawrence in some degree lent his great authority to it by one expression, viz., that as according to Mr. Jefferson every generation should bear its own public burdens, and hand down no debt to posterity, so *pari ratione* every generation should be ready to supply its own funds, and should not expect to receive from previous generations any of their accumulated wealth. There is, however, one point to be considered. If Mr. Jefferson had lived to a later period, he would have seen, even in his own country with its boundless resources, that it has become necessary to burden the nation with a very large national debt, while as far as we ourselves are concerned, we have upon our shoulders the legacy of past generations in that respect. We have to meet the interest of our debt by taxation, to the extent of between twenty and thirty millions annually, and by so much, therefore, the power of each generation to provide for its wants out of its own industry is diminished. There is another point on which equal unanimity has been shown, that if we are to keep up charitable endowments, we must be prepared to deal with them much more strictly. We must to a considerable extent modify our law, both as to principles and machinery. A great precedent was happily created by Parliament last session. The Endowed Schools' Act has shown the desire of Parliament to set aside, wherever it may become necessary, the past history of charitable funds, in order to provide for the actual necessity of the present day. I cannot doubt that that principle, once recognised, will be carried further and be fruitful of greater results, and that we shall see the day when it will be thankfully acknowledged by all that the supreme power in the State has not only the right—for who can deny it, seeing that the power of perpetual disposition is a purely artificial privilege, derived from the State, and therefore necessarily subject to its control?—but has incumbent upon it the duty of modifying from time to time the use of all endowments. Holding, then, as we do, that there should be more stringency of restriction on the power of testamentary endowment, and a much greater power of periodical revision, it would seem that there are three classes of endowments to be dealt with. First of all, endowments which are bad in their original purpose, such as those alluded to by Mr. Batten, where a testator leaves his property to provide in perpetuity for his poor relations. Such bequests are an utter abuse of the power of testamentary disposition. They discourage thrift, often making it better worth the while of the testator's descendants to be worth nothing than to earn an income; they give a premium to idleness and improvidence, and consequently breed pauperism; they are, in fact, a curse to the country which permits their existence. There are other endowments which, if not so bad, are yet deleterious. Now, there is a choice of two courses—either to declare them all against public policy, and invalidate the bequests, treating the property as intestate; or, as Mr. Hare suggests, to use it for such purposes as the State may think most likely to do good. Whichever course be adopted, it is clear we are bound to prevent the doing of evil to future generations. On the question of land, whether we should allow it to be devised for the purpose of charitable endowment or not, there is something to be said on both sides. On the one hand, it is no doubt a great mischief that land,—which stands on a very different footing from personalty, inasmuch as the latter can be infinitely increased, whereas the land of a country is finite in quantity, and in these small islands crowded with population there is no more at our disposal than is required for the exigencies of private possession—should be locked up in the dead hand, and be put permanently out of the market. On the other hand, there is a good deal in what Mr. Webster said of the advantage of land as a permanent investment for charitable purposes. Might not you allow a rent charge on land to be bequeathed, and the land itself to be ~~bequeathed~~ marketable? I remember that Mr. Hare, years ago, at a meeting of the Law

Amendment Society, suggested that land thus devised might be sold subject to a corn rent, which would increase with the value of the property. Under no circumstances ought you to allow land which is needed for the expansion of town populations to be locked up for charitable disposition. Mr. Hare stated on a former occasion that a map of London, prepared for the purpose, would show that you could walk for miles in the metropolis upon land which belongs to charities, and which is therefore shut out from improvement. I believe that in a few years the Legislature will come to the conclusion that not even a private individual shall be allowed to exercise the power of refusing to sell land for building purposes, if it is within a certain radius of a large urban population. However that may be with regard to private owners, you must insist on land held in mortmain coming into the market when it is needed for the growth of towns. The second class of endowments to which I referred consists of those which may not have been bad originally, but have become bad through change of circumstances. Customs vary, national habits change, new necessities arise, old things pass away, and so in a generation or two, an endowment, excellent when first created, becomes in a great measure useless, and the benevolent intentions of the founder are virtually defeated. Hence, the need of some system of much more powerful and ready revision than exists at present. I agree with Mr. Hare that there ought, if possible, to be some department of the State to exercise such a revision for the benefit of the people. Let us not be afraid of the argument so constantly used against the interference of the State. In a free country it is the people who are the State, and Secretaries of State, and other ministers, are subject to the influence and veto of the House of Commons, which represents the will of the nation. I cannot understand why any dread should be entertained of placing power in the hands of a minister who is subject to the representatives of the people. There is a third kind of endowments which may be good in their original purpose, and even good now, but are bad as to the mode in which they are administered. I was witness, a few years since, to a remarkable instance when acting as one of the three adjudicators of the Swiney prize, the present Lord Chancellor, and the late Sir Thomas Phillips, Q.C., being the other two. It is a prize of 100 guineas, given in a gold cup of equal value, to the author of the best work on jurisprudence recently published. That seems to me an excellent object, as it might be made to encourage what very much needs encouragement, the scientific study of law. But the provisions of the will as to the mode of adjudication are so foolish, and in some respects so impracticable, as greatly to hamper the trustees, and to impair the value of the foundation. Now, in such a case it seems to me that it would not be wise for the State either to invalidate the bequest or to use the fund for another object, but that such a board of revision as is recommended should prescribe a proper mode of administration. Such a body would probably devise a scheme which would not only encourage the study of law in this country, but would stimulate inquiry in the field of juridical science throughout the whole civilised world. The law allows too much latitude to the absurd and impolitic provisions which testators occasionally introduce. With regard to the objects of charitable endowments individually, I should like to narrow them very much, for I believe there are very few legitimate objects. Mr. Batten mentioned the relief of poverty, but I am opposed to any such endowments. I fear that the supply creates a demand, and I am afraid the operation of the Poor Law has produced that evil. In a majority of cases paupers become such through their own default, sinking from comparative comfort into helpless misery. Medical advice might, however, be gratuitously supplied with great advantage, for timely help of this nature would often prevent a man falling into chronic sickness and thus being lost to industry. There is one department in which endowments could hardly ever be superfluous; I mean education. It really lies at the root of the remedies for all the evils which we deal with here. If you want to stop pauperism, educate; if you want to check intemperance, educate; if you want to improve the public health, by removing ignorant prejudice, such as is now afloat on the subject of vaccination, from the minds of the people, educate; if you want to make the people understand the law, and capable of rising to a comprehension of the policy of the State, again I say educate. It is one of the few things of which we cannot have too much. If you are to have endowments at all, as to which there is some little difference of opinion, educa-

tion is the object to which they can be most properly applied. I trust I have avoided obtruding my individual opinions as the general opinion of the section. Valuable suggestions have been thrown out on several points, but I think the general view is that the power of perpetual testamentary disposition should be narrowed as to its objects, and none permitted which are against the economical interests of the people; and, secondly, that such endowments as are now in existence, or should be permitted for the future, should be subject to periodical and comprehensive revision by State authority, so as to insure that good designs shall not be productive of future evil, and that the benevolence of past generations shall be applied to purposes of the highest attainable public utility.

THE LAND QUESTION.

What ought to be the Principles regulating the Ownership and Occupation of Land? By FREDERIC HILL, Barrister-at-Law.

THE subject on which I have undertaken to address you to-day is happily free from any party character; indeed, were it not so, the rules of our Association would exclude it from discussion.

If this statement required confirmation it would be found in the fact that long before the subject had drawn to it the keen public interest with which it is now regarded, that branch of our Association which formerly existed under the name of the Society for Promoting the Amendment of the Law had carefully examined it, and had received upon it reports from two Committees; to the latter of which reports I shall have occasion to call special attention.

Whatever might be the case in former ages, when there was a monopoly both of learning and property, and when the mass of the people did not venture to doubt the justice of the laws which they were called upon to obey, there can be no hope, at the present time, that any of our laws shall meet with public approval and continue in force, unless they be based on principles of justice, and this justice be brought home to men's minds.

Happily the institution of property will, in its main features, bear any amount of probing, and can be shown to be essential not only for the maintenance of a particular class, but for the comfort, happiness, and, indeed, the very existence of the whole community; the poor man being just as much dependent upon it as the rich.

It is true that property in land is in some important respects peculiar; for unlike most other possessions, this is limited in extent and has often a value given to it by the exertions of others than its owners; nay, sometimes in spite of conduct on their part, worse than utter neglect; for example, when the widening of a street, or the irrigation or drainage in a rural district, is prevented by some owner demanding for the land a price beyond its real value, or doggedly opposing the improvement altogether.

Hence the necessity for the exercise of a power of compelling the owner of land to conform to regulations not imposed on other kinds of property; or even to part with it at a price not determined by himself; though, happily, in this country, which has long passed the stage of civilization at which confiscation is possible, no one of any influence would propose to fix that price at a penny less than its full value. Indeed, to do so would be not only to impair the security of landed property, but, in effect, to deal a blow at property of all kinds.

To whatever objections every kind of appropriation of land, whether permanent or temporary, hitherto adopted, may be exposed, few persons, I presume, would deny that even the worst appropriation is better than the scramble, tumult, and civil wars which would result from having no appropriation at all; a state of things in which our condition would be as bad as that of the Red Indians of America.

But what is the best appropriation, and what appropriation would a community act wisely in adopting on taking possession of a new territory? What, for example, would have been the best settlement (with a due regard to the interest of the aborigines) on founding the colonies of Australia?

To determine these questions, we must first consider what ought to be the chief objects to be kept in view; and I think I shall have your concurrence in stating these objects to be—first, that, as far as practicable, every acre of land shall be in the possession, temporary or permanent, of that man who will turn it to the best account and obtain from it the greatest amount of produce, or of the man who, for other reasons, would be able and willing to give for it the highest rent; and, secondly, that facilities shall exist for effecting improvements, in which the whole community, or the inhabitants of different localities, have a common interest, such as the construction of roads (including railways), large systems of irrigation and drainage, the building of well-planned towns, with proper provision of places for recreation, &c.

And how would these objects be best attained? In my opinion, by the community, in its corporate capacity, retaining the ownership of the land, and then letting it out; the community reserving the power to resume possession in any case on paying the tenant for any increase he may have given to the value of his land, together with a reasonable sum for the disagreeableness and expense of being required to go to another farm. The tenant, on the other hand, should be allowed his land to deteriorate, to be required to pay the cost of restoring it to its former condition.

While, however, this would, I think, be the best plan to follow in all cases of newly-acquired territory, and while such a course is still open for adoption as regards the immense tracts of land as yet unsold in many of our colonies, and, perhaps, a large part of our vast Indian possessions, whenever, as in England, Ireland, and Scotland, another rule has been established and been in existence for cen-

turies, such an arrangement as I have described, if practicable at all, could only be introduced by slow degrees, and must be made with due regard to long-established rights, feelings, and habits; though I venture to suggest that, considering the innumerable inconveniences, the lamentable disease, and, worst of all, the fearful mortality caused by the bad construction of many of our towns, and the great difficulty under present circumstances of making radical improvements in them, it is desirable, as soon as we shall have the blessing of good local government, that the plan be so far adopted as to authorise these governments to purchase the land on which our towns are built.*

Whatever length of time, however, may be required before the ownership of land can be placed on a better basis than that on which it now rests, no such period seems necessary for the adoption of wise laws in regard to its occupation. And the principle I have named, as that which ought to obtain between the State, and its tenant, is, I submit, in the absence of special agreements to the contrary, the principle which should regulate tenancies under private landlords.

This principle—namely, that while it shall be perfectly free to landlords and tenants to enter into any agreements they may like, the tenant, in the absence of any stipulation to the contrary, shall be entitled to payment from his landlord for any additional value he may have given to the land, and be, on the other hand, required to make good any diminution he may have caused in its value—is what was recommended by a Committee of the Law Amendment Society, sixteen years ago, as the right rule of law; and this simple principle, founded alike in justice to landlord and tenant, was, so far at least as regards compensation to the tenant, subsequently embodied in Mr. Chichester Fortescue's Bill on the subject; though, I believe, without his being aware, when he gave notice of his Bill, of the previous adoption of the principle by the Law Amendment Society.

A considerable approach to this principle is made in the recommendations, so far back as the year 1848, in the reports of the Commission presided over by Lord Devon, and of the Parliamentary

* A striking instance of the advantage of land in a town belonging to the community was afforded in the rebuilding of Hamburg, after the great fire some years ago. Before the work was begun the little State purchased broad belts of land in the tracks of the intended new streets; so as to be able to set against the cost to be incurred the increased value which would be given to the frontage of these streets and to the land adjoining; an increase which would otherwise have accrued to those who had no just claim to it. The land was afterwards resold; and when the accounts had to be balanced, it appeared that, so far as the important item of land was concerned, the cost of rebuilding the city, on a plan far superior to the former one, was only about a thousand pounds. And if, instead of selling the land, it had been let out on lease, the public benefit would, in my opinion, have been yet greater.

How many narrow, crooked, ill-ventilated and inconvenient streets would never have been built, and how much illness would have been prevented, if, by the adoption of a similar arrangement, Sir Christopher Wren's noble plan for rebuilding London had been carried into effect!

Committee, of which Mr. Pusey was chairman ; * and more recently by Lord Dufferin in his valuable " Contributions to an Inquiry into the State of Ireland " (who gives it as his opinion that the best way of allaying agitation is to make the law just and fair), † by Dr. Hancock, in his two instructive reports on the landlord and tenant question in Ireland, and by the close observer and able writer now on a visit to Ireland as the representative of the *Times* newspaper ; but, in the simple and complete form in which I have given it, the principle is, I believe, assignable to the Law Amendment Society alone.

It may be objected that the principle would often give the outgoing tenant more than his due ; as it may be alleged that much of the increased value of a farm caused by a given improvement—such as drainage—may be owing to the inherent quality of the land, which the expenditure of the tenant has but called into play ; but in this view I cannot agree ; since the quality and capability of the land must, of course, have been taken into account when the farm was let. Moreover, at that time, the landlord would have no real interest in making any such distinction as that adverted to ; since every subtraction from the tenant's future claim would, of necessity, tell proportionately in reducing the rent.

The only cases of disputes that can arise are those in which the leases or agreements on which land is held are silent on the point ; and in all such cases equity, as it seems to me, gives the additional value to the tenant ; in accordance with the general principle I have propounded.

The great *desideratum* is, that the terms of every lease or other agreement for the occupancy of land should be perfectly clear, and at the same time such as to induce the tenant to exert himself to the utmost to improve the land.

Again, it may be objected that such a principle of occupation as that which I have described would be difficult of application ; but I believe this to be one of the many cases in which difficulties, at first sight formidable, are in practice easily surmounted. A friend of mine, who visited Madeira some years ago, reported that this very principle was there in general use, and that it was found to work both readily and satisfactorily. It is well known, too, that very many landlords in different parts of the United Kingdom, especially in Ireland, where it is far more generally the practice than in England for tenants to pay the cost of improvements, do repay to out-going tenants the money thus expended : at least as regards

* After speaking of a practice in some parts of England of reimbursing a tenant for certain improvements, and of a then recent enlargement of this practice to other kinds of improvements, Mr. Pusey's Committee on Agricultural Customs state it as their opinion—"That this wider compensation to the out-going tenant seems to be highly beneficial to agriculture, to the landlord, and to the farmer ; to lead to a great increase in the productiveness of the soil, and to extended employment of the rural population."

† Lord Dufferin's " Inquiry into the state of Ireland," p. 155.

those improvements, for which it is supposed that the tenant has not had sufficient time to re-coup himself; and a correspondence at the end of Lord Dufferin's book shows that when the principle is once admitted, there is no difficulty, with the aid of a person practically acquainted with such matters, in carrying it into effect.*

In Scotland, where leases (commonly of nineteen years) are in general use, complaint seldom arises, I believe, on the point in question; though even there both tenant and landlord would, I submit, be benefited by the adoption of the rule in question; since it would give the tenant a strong motive for keeping his land in a high state of cultivation, and all his buildings, drains, and fences in the best possible order, up to the very day of quitting his farm; instead of its being his interest, as at present, to contract all such outlay as his term approaches its close.†

In England also, though certainly less so than in Scotland, leases are frequent; and, where there is no lease, the good feeling commonly existing between the tenant and his resident landlord often, perhaps commonly, makes up, in part at least, for its want; but in Ireland, as we are all aware, there are, as a rule, neither leases nor resident landlords; while many, even among those who are resident, are too poor to make any material improvements in their property.

Irrespective, however, of the varying circumstances in different portions of the kingdom, the principle laid down seems wise and just towards all; and should, in my opinion, be made the law of the land.

There are, however, other matters that, as I hope you will concur with me in thinking, the law ought to provide for, which, though they exist in a degree in some parts of England,‡ and perhaps in Scotland, are most frequently, in their broadest features, to be found in Ireland. And to these I now turn.

* Since the above was written I have learnt that such reimbursement is a common practice in Yorkshire, and that the necessary appraisement has become a profession.

† An example of the benefit of leases, even without the additional motive supplied by the proposed rule, is given by the *Times*' Commissioner, in the following passage.—

"Until not long ago Mullingar was held under a middleman's grant from the Granard family; and as neither the mesne nor the chief owners had the power of making long leases, no security could be obtained for building; and stagnation and ruin were the consequence. The process, however, of the Landed Estates' Court swept away these mischievous fetters of tenure, and the new proprietor, Colonel Greville-Nugent, being able and willing to give leases of long duration, on favourable terms, the town has not been slow to revive, and has, in a few years made very rapid progress."—*Times*, September 26, 1869.

It is pleasing to see, by his late speech at Adbury—a speech manifesting, as usual, both good feeling and sagacity—that our President of last year, Lord Carnarvon, is strongly in favour of leases. It has, however, been justly remarked by a correspondent of the *Times*, that unless the lessee be a man of substance there is much danger of the covenants of the lease being one-sided, binding on the landlord, but, as regards the tenant, a rope of sand.

‡ Report of Mr. Pusey's Select Committee on Agricultural Customs, pp. 3, 4.

In Ireland, as I have stated, it is a common practice for the tenant instead of the landlord to expend money in permanent improvements; which is attributable in part to a natural indisposition in the landlord to build the multiplicity of homesteads, &c., which are required when the farms are very small, but in part also to the impoverished state of many of the landlords; arising from the extravagant and riotous mode of living in past times, so well depicted in Miss Edgeworth's "Castle Rackrent." And, owing to this, and to the comparatively recent date of the last violent transfer of landed property, and to the want, therefore, of that long period of quiet possession which carries the prescriptive right of English and Scottish landlords back to distant ages, a claim, especially in Ulster, is often made, and though not sanctioned by law is very frequently admitted to peculiar consideration on behalf of an outgoing tenant; nay, the very right to remove a tenant at all from his occupation is, as we know, in some parts of Ireland often denied; the resistance offered sometimes going to the extent of murder; a crime, in such cases, always abetted, often suborned; the perpetrator, if by some rare chance convicted, being regarded less as a criminal than a martyr; the ignorant peasantry being unhappily quite unaware that the assassins are the greatest possible enemies not only to landlords but to tenants; causing, as they do, that general feeling of insecurity which drives away capital (a consequence shown in several instances since the late Fenian outbreak),* and tends to keep the land in so impoverished a state as to be unable to yield a comfortable subsistence even to the man who should hold it rent free.†

* Lord Dufferin's "Inquiry into the state of Ireland," p. 37.

† In pleasing contrast with the atrocious assassins who bring such disgrace on our country, and whose deeds indispose many men to do that which even justice requires, and in contrast also with the mischievous and reckless men who stimulate the perpetrators of crime, by giving utterance to libels and calumnies, which, were the law and its administration in a better state, they dare not promulgate, is the following picture from the *Devon Report* of a wide-spread patience and fortitude which constitute, for those described, a strong claim for sympathy and respect, and for our best exertions to improve their condition.

"In adverting to the condition of different classes of occupiers in Ireland, we noticed with deep regret the state of the cottiers and labourers in most parts of the country from the want of certain employment.

"It would be impossible to describe adequately the privations which they and their families habitually and patiently endure."

"It will be seen, in the evidence, that in many districts their only food is the potato, their only beverage water, that their cabins are seldom a protection against the weather, that a bed or a blanket is a rare luxury, and that, nearly in all, their pig and manure heap constitute their only property.

"When we consider this state of things, and the large proportion of the population which comes under the designation of agricultural labourers, we have to repeat that the patient endurance which they exhibit is deserving of high commendation, and entitles them to the best attention of Government and of Parliament." *Report on the Occupation of Land in Ireland*, p. 1152.

It affords consolation to think, that although some of the remedies have been most painful, there is no doubt that the extent of misery depicted above has been much reduced.

Happily, there are many landlords, such as Lords Lansdowne, Bath, and Digby, whose admirable administration of their Irish estates has been made known to us in that very interesting book, "*Trench's Realities of Irish Life*," as also the Duke of Devonshire, Lords Cork, Bessborough, Dufferin, and Portsmouth, and other proprietors, both ladies and gentlemen, whose good deeds have been brought forward by the *Times'* Commissioner, and whose example will greatly facilitate the general adoption by Parliament of a law in consonance with the voluntary acts of these right worthy members of society.

Instead of attempting to reap what other men have sown, and utterly ignoring the claim to his patch of land which a long occupation from father to son has created in the tenant's mind, such landlords when driven to the conviction that their estates were overpeopled, or their farms badly tilted, have incurred the expense of conveying the cottiers, often but too thankful to accept the boon, to a land where more inhabitants are much wanted; where wages are high, and where, in a few years, the emigrant may obtain a quantity of land far greater than his former miserable holding, and of which he may soon become the undoubted proprietor; while to larger farmers, making way for others better able to do justice to the land, they have paid the full value of all permanent improvements, whether made by themselves or purchased of their predecessors.

It is claims of this latter kind which constitute what, though by no means confined to that province, is called the Ulster tenant right—a right, the money value of which, in Ulster alone, according to an estimate by Dr. Hancock, is not less than 20,000,000*l.*, and which, Lord Dufferin* says, is in the main respected by the Ulster landlords, though Dr. Hancock gives a disgraceful exception to this rule.†

When there are good and enlightened landlords, such as those I have referred to, neither these nor any other claims, founded more or less in justice, can present much difficulty; since the two parties will voluntarily adopt some equitable arrangement; but, I submit, that to provide for landlords of another description, as also for such tenants as may demand more than justice would award them, the law should step in, as recommended long ago by the Law Amendment Society, and provide for an equitable decision on every unsatisfied claim, of whatever kind, brought forward within a certain limited time; and according, as in each case, the landlord or the tenant shall be found to possess the greater just right, to give to him the option of becoming whole proprietor on paying to the other the value of that other person's share.

If this were done, and all future cases of land tenancy, where no contract of a different kind may be entered into, were put on the footing likewise advised by the Law Amendment Society, and to which I have so often referred, there would be good ground of hope

* Lord Dufferin's "*Inquiry into the state of Ireland*" p. 54.

† Dr. Hancock's "*Reports on the History of the Landlord and Tenant in Ireland*," pp. 39, 40.

both that the present difficulties regarding land in Ireland would be overcome, and that future difficulties would be avoided; and, in fine, that, in a moderate time, the poverty and turbulence which now so much afflict many parts of that country would be succeeded by peace and prosperity. And it may also be hoped that a material improvement would be made in the tenancy of land both in England and in Scotland, and an additional stimulus given to agricultural progress.

Fixity of tenure, demanded in some quarters, would, in my opinion, be a positive evil, and only make existing evils worse. Indeed, there is much evidence to show that those parts of Ireland in which, through very long leases, there is the nearest approach to such tenure are the very parts where there is most poverty, and where the process of division and sub-division has been carried to the greatest and most pernicious extent.*

To be prosecuted with energy and success, farming, like any other employment, requires special talent, the acquirement of special knowledge and the command of capital; but talent and knowledge are qualities not to be obtained by mere inheritance and from the mother's milk.

Who, if he had broken his leg, would venture to place himself in the hands of a surgeon whose sole claim to confidence was that he had for his ancestor even a Harvey or a John Hunter? Or, if he had a heavy law suit, would be satisfied with his counsel being a descendant of an Erskine or a Curran? And what reasonable hope can there be that land will be ably and scientifically cultivated, if its occupation is to depend on a similar title to capacity? Yet fixity of tenure would obviously give us no better security.

The yeomen, or "statesmen" as they are called, of Cumberland and Westmoreland being, like the inhabitants generally of these two counties, distinguished for superior education and prudence, instead of all clinging tenaciously to their land, are, it appears, in many cases selling their portions and seeking other occupations more congenial with their tastes and special powers; the tendency, therefore, being, in that district, for the little estates to unite, instead of being split into still smaller fragments; and thus to create farms worthy of occupation by men of skill and capital. And I found a like spirit of enterprise when, many years ago, I paid a visit to that thriving, happy little island, Guernsey; where a tradesman, who had lived there thirty years, told me that he had never once been asked for alms.†

* Lord Dufferin's "Inquiry into the state of Ireland," pp. 120, 144.

† In support of fixity of tenure reference has been made to the result of the Cornwallis Settlement in Bengal; but the case does not seem to me really to render support. In the first place rents under that Settlement are not, I believe, wholly fixed; since, to the extent of one-tenth part of the value of the produce, the rent can, from time to time, be raised; and, secondly, the good really effected by the Cornwallis Settlement—viz., the certainty which it gave to the tenant that he would enjoy, in a large degree, the fruits of his labour and outlay—might, in my opinion, have been given, in the way indicated in this paper, yet more fully and without any attendant evils.

On the Same. By Mr. SERJEANT COX.

I PROPOSE in this short paper to suggest to the Association some reforms in the law of real property, which would go far to remedy acknowledged evils without the difficulty and the danger that would attend the almost revolutionary changes now openly advocated by many persons of ability and reputation.

First. In cases of intestacy, real property should pass as personally under the Statute of Distributions. If the owner desires that it should go to his eldest, or any other child, he will be enabled to effect his object by making a will. If he fails to do this, it may be reasonably presumed that he has preferred the provision made by the law. Practically this change will have little effect, beyond an increase in the number of wills made. The argument of inconvenience from the division of small properties, and especially of houses, is answered by the fact that leaseholds are now so dealt with, and no practicable difficulty is found in the distribution, even though the property consists of houses. This proposal has been so thoroughly debated that it is needless further to dwell upon it here.

The second suggestion is, I believe, new, and therefore it will be necessary to describe it more at length.

The common complaint is of the costliness of the transfer of land. The notion that, under any circumstances, or by any contrivance, land could be transferred as easily and cheaply as a bale of cotton, is a dream which the slightest reflection will dissipate, unless bare possession is to constitute title, which with land would be impossible, for it cannot, like cotton, be held manually, or stored where the owner or his agent has the personal possession and control. There must, therefore, be some other test of ownership than occupation, and that involves an investigation of title, which must be a matter of more or less time, labour, and consequent cost. But these unavoidable expenses are immensely swollen, by reason of the power which the law gives to the owners of land to impose upon it charges in the shape of settlements and mortgages, and these for very lengthened periods of time and almost without limit in number and in value. The consequence of this power to charge land is, that it cannot be transferred without an inquiry, not only into ownership, which must be unavoidable under any circumstances, but also into the charges that have been imposed upon it, and which from their nature are difficult to discover, and, if found, throw further and still more serious obstacles, and consequently further expenses upon the transfer, even if they do not practically prohibit it. An estate is charged with payments to children until of age or married, to widows or daughters for life, and so forth, besides mortgages. No prudent person would purchase land so incumbered, especially for the purpose of building or improvement, for the incumbrances cannot be apportioned and the improved part might at any time be made answerable for the charge upon the whole. The result is that enormous tracts of

land are unsaleable and therefore indivisible, because of the charges with which they are burdened and from which they cannot be relieved.

It has been proposed by some reformers, as a remedy for this acknowledged evil, to restrict the right of charging land with any payments beyond its nominal value; that is to say, that the capital, if it may be so termed, should not be chargeable, but only the rental—for instance, that the owner of an estate of 1000*l.* per annum, worth 30,000*l.*, should not be suffered to burden the estate with a charge of a sum upon its capital value, but only with an annual payment out of the 1000*l.* of annual value. Others propose to limit the time for which a charge shall be permitted, so as to secure an absolute release within a certain number of years. The plan I propose will, I think, effect the object far more completely without restricting the privileges of the owners of real property, and it is so simple that it needs only to be stated to be approved.

It is to permit the person having the possessory ownership of real property for the time being to discharge all charges upon it at any time by application to the Court of Chancery and submission to pay into Court whatever sum a valuer to be appointed by the Court shall determine to be their full value, to be held by the Court for the benefit of the parties entitled to it.

This is, in fact, to extend to all purchasers or owners of real property the benefit now uniformly enjoyed by joint stock companies. The advantages of such a provision would be many. It would set free for the market a large quantity of land now practically locked up by reason of the incumbrances upon it, and the liabilities that attach to them. It would remove the greatest existing impediment to improvements; it would simplify titles by providing an easy method of clearing them, and consequently largely reduce the cost of transfer.

This is not the place for a minute description of the machinery by which the design may be carried out, so as to provide the most perfect security for the incumbrancers. The operation of the Lands Clauses and other Consolidation Acts, has shown that land can be discharged from all burdens upon it without injustice to any individual, and with great advantage to the community. There can be no doubt that such a law would be extensively used by the owners of land on which there are troublesome charges that hamper every dealing with it, and that it would encourage purchasers by the assurance that they may relieve themselves if they please. An encumbered estate would then be sent into the market as freely as an unencumbered one. It would wrong none, for the full value of the charge would be paid, with all the costs incurred. The Court would hold that value upon the trusts of the settlement or mortgages, or whatever might be the form of the charge, and pay it to the parties entitled to it when it becomes due.

And that such charges may be more readily ascertained, there should be a compulsory registration of all charges on real property,

and no unregistered incumbrance of any kind should be valid. If a man desires that there should be some other property in his estate than the ostensible one, it is neither unjust nor unreasonable that he should be required to give some public notice that the estate is not what it appears to be, the sole property of the person in possession, but that a portion of it belongs to some person or persons, who have no apparent hold upon it. The privilege of charging property without giving possession of it is a great boon to the owners of real property—a special favour not inherent in the nature of the property itself, a privilege for which there is no moral claim, and which, as a favour conferred by the law, can be enjoyed only on such conditions as the Legislature may think fit to impose, and it is a reasonable condition that they who enjoy this privilege should make it as little burdensome and troublesome as possible, by recording their exercises of it in some public place, where those who are affected by them may be informed of a fact that concerns them so nearly.

The difficulties in the way of a general registration of title have been made manifest in the almost entire failure of the Registration of Titles Act. The reasons for the general avoidance of that which was designed to be a great boon to the owners of real property are sufficiently obvious. The process of a registration is unavoidably troublesome and costly. A perfect title must be made, and notice must be given to all adjoining proprietors, that they may protect themselves against invasion. No law could dispense with these precautions. If a man has a good title, he will not trouble himself to register it, and if he has a bad one he will not disclose it.

How far it might be practicable to limit the power of settlement is a wide question, full of difficulty. Whatever line is drawn, it must be more or less arbitrary, and reasons for and against are equally abundant. No practicable hint has been yet suggested. It is to avoid these difficulties, and as accomplishing the desired object of more ready and inexpensive transfer of real property, that I venture to propose what appears to be the preferable plan of *discharging incumbrances*. To which I propose to add, the devolution of real property in case of intestacy as personal estate, according to the Statute of Distributions, and a registration of all incumbrances and other charges that give a property apart from the possession.

Mr. W. D. HENDERSON (Belfast), who followed with a paper devoted to the same subject, having special reference to Ireland, advocated freedom of contract, which, as regarded land, was shown to involve the very minimum of change; and after dwelling on various questions of detail, the writer discussed the claim for continuous occupancy, which was shown to arise from the fact that the tenant had made the improvements, and that owing to the smallness

of the farms it was necessary that he should do so. Continuous occupancy, it was urged, had sprung from the past history of the people, who had been accustomed till lately to a tribal system of ownership, which gave them joint rights, and which was in various ways recognised by the landlords. Passing from the question of tenant-right, which the writer considered to have its root in continuous occupancy, though comprising other elements besides, the various modes which had been suggested of settling the land question were then discussed at some length. The proposal that the landlord should be compelled to buy out the rights of his tenants, either by a long lease or by cash, Mr. Henderson insisted would simply confirm the tenant in the idea that the land was his; while another plan, that the tenant should be compelled to buy out the landlord, took the form of fixity of tenure. He then proposed that the law should recognise both of the elements of tenant right. The unexhausted improvements could be estimated by the county courts, subject to an appeal to the judges of assize. The compensation for breach of the implied contract that the tenant should continue to occupy might be estimated in two ways, either one-half of the value of the unexhausted improvements or three or four years rent of the land, whichever was lowest. The question of waste lands was then touched on; and the paper concluded with a reference to land banks and their organisation, which in many of their details would resemble that established in building societies.

Mr. P. BARRY also read a paper on the Irish land question. He maintained that a perpetual lease, which many advocated as the best remedy for the Irish land difficulty, would be useless. Such a lease would compel the tenant to hold on whether he had means or not. The advocates for such leases assumed that there would be no hitch or breakdown; that the land would be scientifically farmed, and that therefore no miscarriage need be contemplated. Such assumption was untenable, and the law, which is at present powerless, would continue so. The landlord would be in the condition of a man who had been virtually dispossessed by a commission. American experience, if appealed to, would recommend exemption from attachment for rent, taxes, and debt, as the one solution of the Irish question. He thought that on this subject very much might be learned from the United States. The land exemptions of that country secured to the proprietor when he is the cultivator, and to the tenant when he is the cultivator, the possession of an amount of capital sufficient in evil times to enable him to hold his own; to prevent his being reduced to the condition of the farm labourer. They were an encouragement to the progress of agriculture, and were not regarded as trespassing on the just rights of others. The American system had given rise to the practice of working farms on shares; to co-operative farming, an expedient which effectually protects the landlord against loss from bad farming. Farm work on shares with hopeful willing labour, and a landlord whose liberal hand leaves no legitimate want unprovided for presents a picture of contentment with dignity and

progress that might generally be studied with advantage. That such a plan would prosper in Ireland is a fair inference from the fact that in America, such Irishmen as have taken to working farms on shares have thriven as well as others. The writer thought that there were weighty reasons why legislation on land in Ireland should be preceded by the assertion of the law. He would then recommend that similar exemption from taxes and debts should be made as were enjoyed, say, in the State of Minnesota. These exemptions were perfectly satisfactory to all persons in the United States, Irishmen included, and they would doubtless be equally satisfactory here. If, however, land, under the sanction of Parliament is to be acquired, then the obvious course of acquisition was by issue of Bank of England notes to take the place of the present fixed issue of the Irish bank. The Irish question ought to be settled on the principles of utility, and not on the mere theories of doctrinaires.

Mr. I. J. MURPHY, (Belfast,) read the next paper. He described the custom of the tenant right of Ulster in various forms and under its various restrictions. Its distinctive character was the recognition by the landlord of the tenant's interest or goodwill as a saleable article, without the former's right to fix the amount of rent, provided it be in moderation, being interfered with. In some cases rents are revised at understood, though not stipulated, periods; the landlord limits the price of the goodwill to a certain sum per acre. This custom is not founded upon the value of improvements, but upon the right of occupancy. The value of the tenant's right in most cases far exceeds the value of the improvements made by the tenant. For this reason Mr. Murphy objected to any legislation founded upon the doctrine that the improvements are the tenant's and everything else the landlord's. In view of the increasing disposition to treat land no longer exceptionally, he recommended that letting contracts should not be interpreted as merely lettings at will, but that the Common Law Courts should be authorised to inquire and discuss what the contracts really are. He also recommended the abolition of the right of distraint, which, he observed, would practically be a bounty on leases. He defended this course of exceptional legislation for Ulster, on the ground that the tenants of that province have rights and property which ought to be recognised, which the southern tenants have not.

DISCUSSION.

Mr. J. HANCOCK (Lurgan): Greater facilities for the transfer of land, I believe that, is at the root of the whole matter. Land should be left perfectly free, and Mr. Serjeant Cox's suggestion is a valuable one. It has been carried out in Ireland under the Encumbered Estates' Act. I believe one reason of the high price of tenant right arises from the fact of the facility of transfer. Tenant right in the North of Ireland passes by a stroke of the pen in the agent's office—the

substitution of A for B, without any investigation of title or anything of that kind. The money is paid and the possession passes, and that raises the price of this kind of security as compared with others. I agree with Mr. Hill as to the desirability of a court of compensation, but he did not go sufficiently into details. The way of dealing with the question is to have some mode of measuring the value, and the best court for that purpose in Ireland would be the Quarter Sessions. In all cases of differences of opinion as to the value of the tenant's interest, it should be a matter for inquiry there before the assistant-barrister. It should not be done by a general law, but the law should be so far modified as to assume that there is property in the hands of the tenant, whereas the existing law presumes that all improvements belong to the landlord. The law is at present against any inquiry as to beneficial improvements, but if it were to lay down that improvements belong to the person who made them, whether the landlord or the tenant, that would be a fair matter of inquiry. With regard to house property, that is carried out. The tenant takes care that every bellpull is provided by the landlord before he enters into the engagement, but unfortunately a man runs in and takes possession of a farm and makes improvements without considering who is to pay for them. In England and Scotland they are chiefly made by the landed proprietors, but in Ireland to a large extent by the tenants. With regard to the size of farms, it seems to me that you can lay down no fixed rule, but must leave all these matters to regulate themselves. Lord Stanley has argued the advantage of large undertakings, but we have in our country mountainous and boggy districts, where horses could not set foot, and where machinery, with its great weight, would be utterly inapplicable. No definite rule, therefore, can be applied to the whole country. As to fixity of tenure, I strongly object to it, and cannot conceive how it could be maintained in any civilised country. It would be merely putting a dozen landlords in the place of one, subject to a fixed charge. The only approach to any interference to the rights of property in the country has been for railways, or certain specified purposes, under carefully guarded clauses, the object being the benefit of the whole community. Railways, indeed, could not be made without the power of compulsory purchase, but to confiscate a whole island merely for the sake of fixity of tenure, would be contrary to all the principles on which land has been held. The question whether land pays best in large or small holdings will perhaps be fairly tried in the next ten years. Owing to the Irish Church Act, a very large extent of land spread all over the country will come into the possession of the Ecclesiastical Commissioners, and if science and sound judgment should lead to the opinion that it is desirable there should be a number of small as well as large proprietors, the experiment may be fairly tried, without disturbing existing owners, on the Church lands. They must be disposed of during the next ten years. Mr. Serjeant Cox threw out an idea which is entitled to some consideration, whether there should not be a limit of time to charges on land. That is the case with regard to corporations, for when they borrow they are bound to extinguish the debt within a certain period. One thing is clear, that there ought to be more definite understandings with regard to dealings in land. Every agreement should, as far as practicable, be reduced to writing. Scotland has in that respect the advantage, for in lettings in that country there are much clearer and more distinct arrangements, even about the smallest matters. Of course there would be a difficulty with ignorant tenants, but Scotch tenants, as a rule, are educated, so that the two parties are on more equal terms. Distinct written agreements in all cases would be very much to the advantage of us all.

Mr. C. J. GREKE (Reigate) agreed with Mr. Serjeant Cox that to abridge the power of charging land would very much facilitate dealings with it. So, too, would a modification of the rule against perpetuities. That rule laid down a limitation to lives in being and twenty-one years afterwards. Now, the whole of the mischief was concentrated in those words, "and twenty-one years afterwards," were these cut off, settlements would be stripped of a mass of redundancy, provisions which never came into operation, which crippled the power of disposing of property for a much longer period than was commensurate with any public utility derived from the power of settling. To limit to lives in being would retain everything advantageous and reject everything injurious.

Mr. H. N. MOZLEY remarked that the question was, whether we were to inter-

fers with freedom of contract, and whether we wished for free trade in land? Mr. Henderson had referred to the factory question as to a certain extent analogous. Now, the Factory Act was passed to protect persons who would not protect themselves, but were we to proceed on that principle, or on the principle of entire freedom of contract? A great deal of the agitation which had arisen on tenant right struck at the root of property in any shape, and also at the root of contract. It was said to be hard for a tenant to be ejected for making improvements without compensation, and undoubtedly the contract which permitted this was not a desirable one, for it deterred tenants from making improvements which were desirable; but he doubted whether the ordinary year to year holding could be declared contrary to public policy. He agreed with Mr. Hill that the proper course was to enact that in default of regulation or contract to the contrary a landlord should not eject a tenant without paying compensation for improvements. The value of these must be determined by a jury, or in some other way. If it were distinctly understood that a landlord was to do this, it would *pro tanto* raise the value of the land, and there would be no injustice to the tenant, for in accepting a year-to-year holding he had admitted the principle that he might be ejected at any time. This was all that legislation could do; all the rest must be determined by the parties themselves. If one set of arrangements was applicable to England, another, to Scotland, and another to Ulster, let the landlord and tenant settle it amongst themselves. As to compensation to the landlord, it was a matter of extreme difficulty, and to enact that the tenant should enjoy fixity of tenure in consideration of a certain compensation to the landlord would be contrary to what prevailed in England. He agreed with Mr. Serjeant Cox as to the mischief of incumbencies, but it would not be very easy to get rid of them.

Mr. F. P. LABILLIERE observed that many were advocating a system of paternal government with regard to land in Ireland which was unsound in principle, and was not necessary to effect the object in view. All that a government could do, or should attempt to do, in regard to land, was to give both landlord and tenant the means of entering into fair and definite arrangements. To prescribe that holdings should be large or small, that the cultivators of the soil should be owners or tenants, was contrary to the principles of enlightened legislation. What would be the result of putting the tenant in permanent possession of the soil? Unless it was hedged round by a system of the most contracted and illiberal legislation, how could it succeed? Land, like everything else, was a matter of supply and demand, and if the tenants were made owners of the soil, and if there were a number of capitalists desirous of obtaining large holdings, large estates would in twenty or fifty years be as prevalent as ever. Mr. Hill had said it was desirable in new countries that the government should let the land at the highest price. This seemed to be the principle of paternal government. If the State were the landlord, it would interfere so much with private citizens that the system would work badly, especially in new and democratic communities. If a number of persons took possession of the land on such terms, and if they found their position not so good as they had expected, they would demand an alteration of the system. To carry out the regulations for improvement and cultivation suggested by Mr. Hill would be extremely difficult. In new countries, the sound policy was to make land attract population, but unfortunately this had not been sufficiently done in Victoria. For a considerable time after the gold discoveries, all country lands were submitted for sale by auction at the upset price of 1*l.* an acre. The consequence was that large tracts of country, which might more profitably have been cultivated by small farmers, fell into the hands of large capitalists. Of late years, however, the system had been altered, and greater facilities had been afforded for the possession of land. In Queensland, also, there were great facilities for settlement.

The Rev. H. O'DONNELL was at one time chaplain to the late Lord Kingsdown, who, in conversation, expressed an opinion that lands were held in much too large quantities in Ireland. He believed the land question in England required a great deal of consideration, and he regretted that the discussion had been mainly directed to the Irish question. He was not afraid to come under Mr. Hancock's condemnation by advocating fixity of tenure. The Irish tenants seemed to think they had a right to remain on the land perpetually, like their forefathers before

them, and the violent transfer of land provoked feelings which had led to shocking outrages. Fixity of tenure did not necessarily mean that the persons to whom it was conceded and their posterity should hold the land for ever. It was desirable in many cases that the present tenants should become the owners, but subsequent events might necessitate a transfer of the ownership to other persons. It was said that yeomen in the north had changed their position. Now, this was the very thing wanted in Ireland—the feeling that the land was not everything, but that other occupations were open to their energies. Ownership in large was not necessarily better than in small quantities, for Belgium was probably better cultivated than England, the land being held there in small portions. The Irish peasantry required to be raised from their present condition, and they might in time be brought to that of the farming classes in England.

Mr. F. HILL, in reply, said that Mr. Labilliere had argued that for the State in a new country, like Victoria, to let land, itself determining the covenants and leases, would be a kind of paternal government; but he was at a loss to see this. He agreed with Mr. Labilliere that in a newly-established colony, the great thing was so to let the land as to attract settlers, and were it let in the way he proposed, there would not be the slightest impediment, as land would be let for whatever it would fetch; whether 1*l.* or 1*s.* an acre, the government would be compelled to take it. Mr. O'Donnell proposed fixity of tenure for the present generation only. This was tantamount to saying, that fixity of tenure should not be fixity, and he was willing to accept it as a partial admission of the objections he had urged to it.

Mr. LABILLIERE explained that what he meant by paternal government was for the State to be the landlord and prescribe the terms on which the tenants should hold, thus interfering with every holder of land.

Mr. HENDERSON also replied. They were all agreed on this, that there was an implied contract between landlord and tenant, that the tenant who had made improvements should be entitled to their unexhausted value. The further question, without which the matter could never be settled, was whether the tenant was in the condition of having an implied contract of continuous occupation, and what compensation the landlord should give if he wished to dispossess him. It might be settled by fixity of tenure, but he did not think this would be the best way, or by Mr. Mill's plan of buying out the landlord compulsorily, but in some shape or other it must be dealt with. Mr. Serjeant Cox's proposal was one which was embodied in his own paper, but he would go further and allow the present limited owner to call upon a competent court to value the whole estate, separate his own interest from the reversioner's, and allow him to give a mortgage upon the estate to that amount, thus breaking the entail at once. The entail should convey, not the property itself, but the value of the property. The tenants of the north of Ireland would be glad to pay such a fine as would protect them from the heir, and the present owner could then give leases in perpetuity. The tenants would thus be released from the fear that the heir, is a man of profligate character, would break the leases.

The PRESIDENT: This is a very wide question, and so far from being exhaustible in a morning might occupy the whole Association for a week. My observations, therefore, will not pretend to be other than fragmentary. I do not propose to argue the question as to what ought to be the fundamental conditions of the tenure of land as between landowners and the State. The view that the State ought to be the landowner, and that nothing higher than tenancy should be permitted to individuals, has been ably advocated and equally ably attacked. Two branches of the question have been before us—the general question applicable both to England and Ireland, and the special question applicable to Ireland. I will say a few words upon both. With respect to the general question of the ownership of land, I think it is quite clear to any one who will look at the present social condition of this country, that landowners must make up their minds that the property which they hold stands in a peculiar position. It being limited in quantity, with a large population swarming in a small island, it cannot be argued that they have the same absolute and almost illimitable rights over their property, which the owner of personal property has over his. Whether they ought or ought not to have such rights is immaterial; I say that under the actual social circumstances it is impossible that they can. The general maxim of jurisprudence, that you must

use whatever you hold in such a way as not to injure your neighbour, is peculiarly applicable to landowners at the present time. For instance, it cannot and will not be tolerated that landowners shall claim the right to keep such a quantity of game for their mere amusement as to act as a damage to agriculture and an incentive to crime. The answer to their claim that they may do what they choose upon the land they hold is, that their right to the use of their land, as to any other property, must be limited so that it does no mischief to others. Again, we shall probably have to extend considerably the principle of the expropriation of land when it is needed for public purposes. Railway legislation has broken in upon the old idea that a man might under any circumstances retain the property of his land, even as against the State. Not a year has passed for a long period without Acts of Parliament being passed, forcibly taking away from their owners certain portions of land, under the sole condition that they shall be paid a fair price. That is founded on the sound principle that railways are necessary for the well-being of the community, and that no landlord can be permitted to say, "This railway shall not be made, because I do not choose to part with my land." This principle must, I am convinced, be carried farther in future times, and be the subject, not of exceptional, but of permanent and uniform legislation. I am convinced, for instance, that looking to the amount of urban population and the figures quoted by Dr. Symonds this morning as to the increase of large towns and the constant agglomeration of population, it cannot be tolerated in future generations that an owner shall absolutely check the growth of a town—kill a community as it were—because he does not choose, for purposes of his own pleasure, convenience, or caprice, to part with his land. We have gentlemen from the north of Ireland present, who must be acquainted with a remarkable instance of what might have happened had the strict rights of a landowner been exercised. Nearly all the land round Belfast has been owned by one nobleman, and it very fortunately happened for the town that the owner in the last generation was a spendthrift, who ran through a great deal of money, and was compelled to part with the land. It was sold comparatively cheap, and the prosperity of the town enormously increased in consequence. But supposing this nobleman had been prudent and far-seeing for his family interests, supposing he had resolved to make himself, as he might easily have done, one of the richest peers in the United Kingdom, he would have locked up the land till it had attained a fabulous value, Belfast would have been stunted in its growth, and its capital and production would have been very different from what they are now. Can any one venture to say that such a power ought to be vested in any man? The rights of the community in such a matter override individual rights, and it becomes necessary on behalf of the State that the principle of expropriation shall be recognised. I cannot doubt that in process of time an Act will be passed compelling the sale at a fair price of all land within a certain radius round large urban populations, if it be required for building purposes. Towns must be allowed to grow naturally; to stop their growth arbitrarily is to entail on them nearly every evil—moral, sanitary, and economical—which can afflict a community. Several valuable suggestions were made by Mr. Serjeant Cox. He suggested, and I agree with him, that the period for charging land ought to be diminished. A landowner should not be allowed almost in perpetuity to entail charges on his property, and so check free trade in land. I would go even further, and say that the adoption of Serjeant Cox's suggestion would lead to the possibility of another most valuable improvement in our land laws, that of shortening the period of titles to land. At present, the shortest period is twenty years, it may be thirty, and practically the investigation runs over double that period, it being necessary to exhaust the whole possibilities of the case. The consequence is, that when land has to be sold the investigation of title is a most complicated and costly thing. It greatly increases the expense of conveyance, and tends to lock up land in a few hands. I see no reason why the ordinary term of prescription should not be reduced to ten years, the utmost period to be thirty, and if after thirty years a man is in undisputed possession, make his title absolute and indefeasible, and so facilitate his parting with it. In England, the position of landlord and tenant is to a great extent left as a matter of contract between the two parties, and I have no doubt that that is the best position. It should be treated as a mercantile matter, each party standing

out for his own interest, and making the best bargain he can. That brings us to the Irish question. The truth is, that on such a subject as the land laws affecting Ireland, we must take into account the special and exceptional circumstances of the case. In my address the other day I stated that there were two kinds of law, those which are of universal application and those which are governed, as most municipal laws are, by questions of locality, race, climate, and political institutions. Now, this is one of that nature. You cannot consider the Irish land question in an abstract point of view. It is no use taking this or that general principle and trying to bend the facts to it. The facts are stubborn and cannot be bent, and you must deal with the question as one which intensely affects the feelings, perhaps the prejudices, of the Irish people. You must legislate for them in reference to the actual facts of the case. Now, the leading fact in the case is, that the national idea of the relations of landlord and tenant is something totally different from the national idea in England. We have arrived at that period in our civilization when we look at the relations of landlord and tenant to a great extent as a mercantile bargain. In Ireland it is not so. The Irish idea with regard to the occupation of land is to a great extent the same which produced our old race of copyholders. A man holds land under a superior, and no doubt there are rights in the superior which he does not question, but as long as he complies with them he thinks himself entitled to the occupation of the land. Undoubtedly the idea, whether right or wrong, of the Irish peasant is, that as long as he pays his rent and complies with the other conditions of what he considers his tenancy, he ought not to be evicted by his landlord. It is not a question whether that is so good as the mercantile idea, but whether it is one so rooted in the Irish mind that it is impossible to remove it by any legislation or argument. If that be the case, you must provide for it accordingly. India can show us some remarkable instances of the importance of fixing land tenures on a popular basis. When we first came into possession of Bengal, all the titles to land were unsettled by our acting on English ideas, and the greatest discontent was excited; but Lord Cornwallis succeeded in introducing a settlement by which the tenants were to pay in perpetuity a fixed rent, and so long as they paid, they were not to be disturbed in their occupation. So entirely has this succeeded in allaying the discontent and producing loyalty, that when all the rest of India was in a flame in 1857, perfect peace prevailed in Bengal. It was almost denuded of troops, but no officer, from Lord Canning downwards, doubted the content of the people under British rule. In Oude, on the contrary, where the people imagined we were going to interfere with their land tenures, a formidable insurrection broke out. I do not think fixity of tenure would be a just measure in Ireland, but we might go a considerable way towards it and thereby greatly improve the condition of the people, and also their feelings towards the Government and the landlord class. That can be done by some such system as that referred to by Mr. Henderson—a periodical revision and valuation of the land, but above all it may be done by ensuring to the tenant equitable compensation for such sums of money as he may have laid out in real improvements. There is one question which the English public have not sufficiently considered, and I am glad we have had the presence of Mr. Hancock, himself an Irish landlord, and other gentlemen who know the real point of the case. The great difference which we have not sufficiently considered is, that in England it is the landlord who makes permanent improvements. Go over landed property and ask who put up the buildings or drained the land, and in almost all cases you will find that it was the landlord who did it, or largely assisted; but over a large part of Ireland, it is the tenant who has done it. Now, no amount of argument will ever convince any reasonable man that the same law ought to apply to both cases. In England it is reasonable that the landlord who has built a good house, drained the land, and made all improvements, should have the power of turning out any particular tenant, subject of course to the provisions of any lease or agreement; but when the tenant has done this it is monstrous that the landlord should have the same power, and should be able to say to his tenant, "You have made the farm what it is, built the house, and drained the land, but I will now come in and reap the benefit of all your labours by turning you out and getting a new tenant at a higher rent." I am strongly, therefore, in favour of an enactment, which I have very little doubt will be passed next session, for compensating the

tenant for any improvements, giving him an absolute right to such compensation in a court of justice, for which purpose I should recommend the use of the Civil Bill Courts, which answer practically to our County Courts. This is the least that can be done, and I am inclined to think that Parliament might go further and establish a modified fixity of tenure, say for fourteen or twenty-one years, during which the tenant shall be allowed to remain in possession, subject at the end of that period to a periodical revision of the rent and compensation for improvements. There would be an equitable adjustment, and if the tenant was not willing to give the increased rent he would give up the land; but subject to that he would retain his holding. I know it will be said we would not have this in England. I quite admit it, and I do not say that abstractedly it is the best form of relation between landlord and tenant, but it is necessitated by the exigencies of the case, and without such legislation you can never make the great bulk of the Irish people contented subjects of the Crown. I believe that by some such legislation you can make Ireland as contented and loyal as England. It is far better to legislate for a country in accordance with its wants and feelings than to attempt to force upon it laws or customs repugnant to its own ideas. Let us remember the saying of Solon, that he had given the Athenians, not the best laws possible, but the best laws they could bear.

THE PATENT LAWS.*

Patent Laws in Principle and Practice. By WILLIAM SPENCE.

IT will be my present effort to point out what is the principle of a patent law when considered from the point of view assumed in the argument based on public policy. I maintain that the interests of the whole community, including inventors, ought to form the real touchstone as to the expediency or otherwise of a patent law, and that when referred to this test, even the powerfully stated objections of Sir R. Palmer and Lord Stanley appear to be without foundation.

The principle of a patent law, as I am about now to consider it, relates solely to the advantages likely to accrue to society at large from the wholesome development of improvements in manufacturing industry. Opponents of patents allege that the system is simply restrictive, and on that ground objectionable, as opposed to free trade; but they seem to forget that, looking to the natural differences in the circumstances and opportunities of advancement of different individuals, some are subjected to natural restrictions in the absence of law, which it is the express purpose of law to remove, or at least to mitigate in rigour.

The principle of a patent law, then, in common with that of various other laws, aims at the regulation and adjustment of social inequalities, not with the view of conferring special benefits on any, but for the purpose of procuring for society at large the benefits resulting from the useful employment of those energies which must otherwise either lie dormant and be unproductive, or be liable to mischievous employment.

* See *Transactions*, 1868, p. 249.

The principle of a patent law is to afford legal recognition of every invention that is new and is duly specified. The law is intended to provide a register of each addition to existing public knowledge with reference to manufactures, with a view of promoting activity in industrial pursuits, and procuring such a record of practically useful inventions as will insure their continuance in practice. On this principle, each person who applies for a patent, and who alleges novelty and utility, and makes a true specification of his invention, receives a grant, entirely at his own risk, either as to the legal validity or the commercial value of such grant. In this way, any inventor who complies with the formal conditions of the law can become a patentee, and be in a position to prove, through his specification, the extent of his lawful claim to exclusive right. Being in this position, he can make terms with a capitalist, if he require to do so, on an intelligible footing. On the one hand, the inventor is confined by the terms of his specification, and on the other hand a capitalist may ascertain from the same document the extent of his own undertaking. Here is a basis on which to rest a mutual engagement that may be beneficial to both parties, and lead to the establishment of a trade permanently useful to the public.

Considerations of this kind show the real freedom with which inventors and capitalists may enter into negotiations and alliances, provided they have distinct specifications of the inventions to be worked. Without such documents, the capitalist could have no adequate means of judging as to what he was entering into, and the inventor would have no means of making his rightful claims apparent. The consequence of this state of things would be, a natural impediment to any union between the inventor and the capitalist, and the absence of such legitimate enterprise as might have resulted from activity founded on their mutual relations.

I propose now to consider how far the existing practice corresponds with the principle of a patent law thus indicated. To say generally that the existing practice is below the standard of the principle is to utter a mere truism applicable alike to all other departments of law. The remarks which will be made will have reference mainly to the trial of patent cases, because in this department of the practice there is the most pressing need of improvement, and it will be shown that many of the defects experienced are felt also in other branches of practice, and that public attention has already been called to them on broader grounds than those which relate specially to patent law.

A patent being granted on the simple allegation of the applicant, and entirely at his own risk, both as to its legal validity and its commercial value, it is obvious that the interests, both of patentees and the public, require all practicable facilities for determining questions of novelty and sufficiency of specification, which are the essential conditions of legal validity. It seems, moreover, quite consistent with reason, that a patentee who complains of infringement of his exclusive rights should be required to prove, to the

satisfaction of some competent authority, that his alleged right is within the conditions of validity annexed to the grant, before he is allowed to take proceedings against an alleged infringer. But the great difficulty is that we have no adequate means of securing this mode of trial as a general rule of practice. It is doubtful whether judges can be expected as a rule to adopt such a course, and this raises the question as to whether such an expectation is reasonable.

It is indeed surprising to find how ably patent cases are dealt with by those Judges who have had experience in them, notwithstanding the artificial difficulties by which they are surrounded, owing to the want of an adequate system of preparing cases for trial. But if the Judges display so much ability under their present difficulties, how much better results might be expected from their judicial labours if so great an amount of their force were not expended in wearying details, eventually found to have no important bearing on the merits of the case.

I propose now to consider more closely the essential requisites of a court or authority for trying patent cases, and to suggest in connection therewith a mode of utilising the patent office and library as a kind of sub-court for settling preliminaries and preparing cases for trial, so as to relieve the Judges from the unnecessary and exhausting labour in attention to details with which they are now overburdened, and leave their energies fresh for the better discharge of more strictly judicial duties.

It has been already said that, as a patent is granted on the simple allegation of the applicant, it is reasonable that he should be required to answer any objections that might be urged against the validity of the grant, either as to want of novelty or insufficiency of specification. The point as to utility may be left out of the question, according to the usual practice of experienced Judges, because an absolutely useless or mischievous invention is not likely to become a subject of litigation. A plaintiff patentee, then, might be required to obtain from the patent office a certificate of the law officer of the Crown, that the invention for which his patent has been granted was new and the specification sufficient, such certificate stating what invention was thereby declared to be new and sufficiently specified. For the carrying out of such work, it would be necessary to provide indexes adapted to afford a ready means of testing the legal novelty of inventions. The present indexes are insufficient.

The point to be kept in view is that the object is not to prepare indexes of specifications, but indexes of the public stock of information. This consideration shows that the real test to be applied to the kind of indexing just now referred to, is simply that of a ready means of access to matters distinctly and completely communicated to the public. Tried by this test, many specifications would be found to contain nothing at all worthy of being indexed.

Supposing this work of indexing to be entered upon, it might be commenced from the date of the new law, October 1, 1852, and proceeded with so as to comprise groups of specifications for every

ten years, by which arrangement there would be a subject matter index to each division and sub-division of manufactures, showing the actual steps taken by patented inventions, and consequently the real additions to public knowledge made and recorded during each period of ten years. It might also be possible to arrange information as to the existing established practice in all well-known manufactures, for it is to be remembered that this has an important bearing on the question of novelty. And the many valuable books in the library, now but too little used, would be found to be of great service for this purpose. Evidence on the point of established manufactures is often conclusive against novelty,* when statements and descriptions in specifications are open to doubt as ~~being~~ amounting to more than mere suggestions in the absence of actual practice.

Then, again, a digest of the leading cases that have been tried would greatly facilitate decisions, and save much time now spent in unnecessary arguments of counsel, more especially if the reports were condensed into a form, giving due prominence to the scientific facts to which the law had been applied.

Now, in order to form an adequate idea of the value of such suggestions as to facilities in testing the legal novelty of inventions, it is desirable to contrast with them the existing facilities for the purpose. At present the indexes, since October 1, 1852, are broken up into separate years, and are constructed from the titles of the patents, with only an occasional reference to the contents of specifications. And all applications for patents (even those which are rejected by the law officers of the Crown) are indexed alike. All go to swell the mountain of difficulty placed in the way of inventors and their agents, who have to make searches as to novelty. Then there is no limit as to prior specifications (which extend as far back as 1617), except that which is now and then put by a Judge in a particular case.

These considerations make it obvious that, even if a competent officer, with an adequate staff, were employed on the library side of the Patent Office, it would still be a matter of great difficulty and uncertainty to determine questions of novelty, unless they were confined within the limits suggested—that is to say, confined to established manufactures, and to specifications filed under the new law, commencing October 1, 1852.* Within these limits it would be practicable to arrange convenient indexes on the principles suggested, and to have the information posted up in such a manner as to afford ready access to the matters* already appropriated by existing patentees and the public.

Assuming the existence of such facilities for determining novelty, and the aid of such competent officer, the law officers of the Crown would be enabled to grant certificates of novelty and of *prima facie* sufficiency of specification, subject to appeal only to a superior court, presided over by a Judge sitting with assessors, as recommended by the Royal Commission in 1864.

It might also be advisable for all provisional specifications to be examined by such competent officer or officers of the Patent Office Sub-Court, before going forward to the law officers of the Crown. By this arrangement there would be obtained increased security for novelty of inventions, and intelligibility of provisional specifications, as well as constant uniformity of practice, without abandoning the authority and responsibility of the law officers of the Crown.

Assuming the existence of the facilities above referred to, a Judge might require and obtain very distinct references to points in specifications relied on by defendants in actions, the vagueness of which are a source of much trouble at present. Thus relieved, a Judge would be in a condition to construe a specification when brought before him, and this in practice would be of enormous value in shortening trials. In confirmation of this point I will cite the opinion of Sir William Erle:—

“In construing a specification a Judge has to say what is the alleged discovery of means for an end which it contains. To do this, he ought to understand what was the state of knowledge before the alleged discovery was thus used; then what is the end obtained by the specified means. When this has been done, and the Judge sees clearly what is the subject of the patent, it follows that he has approached to the knowledge required for deciding on novelty and infringement.”

Now, in the foregoing suggestions, it is proposed to supply the Judge with precise information, which will enable him to dispense with the “voluminous mass of scientific evidence,” now supposed to be necessary, and to require the patentee to make out at least a *prima facie* case as to the validity of his patent before he is allowed to take proceedings against an alleged infringer.

Cases prepared in the manner suggested might be tried on circuit, and thus prevent the necessity of bringing witnesses to London. In some instances a County Court judge might dispose of a case so prepared. Again, by bringing judicial power to bear directly on the construction of specifications, they would soon become more clearly drawn and more easily to be dealt with, the present practice of postponing their construction offering a premium on studied ambiguity.

From the whole of the foregoing arguments and suggestions, I venture to draw the following conclusions:—

- (1.) That with reference to principle, a patent law, in common with various other laws, is intended to regulate and “adjust social inequalities, and is calculated to remove many natural impediments to the free commercial intercourse between capital and labour.
- (2.) That with reference to practice, its leading defects are analogous to those which are admitted to have been experienced in other departments of legal administration, and call for similar remedies.

Some of the Objections to Patents for Inventions. By R. A. MACFIE, M.P.

IT will not be amiss to begin consideration of this important and generally misunderstood question with a definition of some words we use.

A *discovery* is newly-acquired knowledge, obtained either by accident or after investigation, of principles or qualities which may, by being put in practice, serve some useful purpose.

An *invention* is a method or idea by acting on which a discovery may be turned to account for the making or doing a thing. Sometimes the line of demarcation between a discovery and an invention—the addition to the former which constitutes the latter—is very narrow. For instances, a patent was granted for the use of alpaca in umbrella-covering. That idea went a very little way beyond the idea that alpaca, like any of the accustomed textile fabrics, might serve the purpose. The one was as meritorious, *i.e.*, as destitute of merit, as the other. The invention of a method of perforating paper to make it easily parted asunder on certain desired lines, went but a little way beyond the idea of the thing, that is, beyond what is mere discovery. I say discovery, because in the eye of the law, according to certain advocates of patents, in this matter discovery counts for nothing. If the discoverer is also inventor, well for him. On the other hand, no matter to the inventor whether he is discoverer or not. Again, take the centrifugal machine. Under the name of *hydro extractor* this simple and beautiful instrument was for years familiar to many as a valuable patented appliance in the washing and drying of clothes. The mode of applying it for the expulsion of liquor of crystallisation from a magma of sugar was a very short step beyond the idea or principle of doing the thing. Patents were granted to other parties for this “application,” which the patentees of the machine itself had overlooked.

Patents, or *Letters Patent for inventions*, are grants or documents by which the Queen invests favoured persons, whether foreigners or subjects, with a portion of her royal prerogatives, and in truth with powers more than the nation allows the Sovereign or the Government to exert. In virtue of these a patentee (who may not be the first discoverer, nor the first inventor, but only the first importer or the first applicant at the patent office), or the assignee of a patent (which he may have obtained from the patentee for a comparatively small sum) is able to prevent every resident in the kingdom from making the kind of thing, or making it in the particular way, that is patented, and I believe also from vending such if imported from abroad, but not (and here a great grievance is seen at first sight) vending things made abroad according to the particular way. Yet our greatest and most lucrative inventions are of the latter character. They effect processes in existing manufactures; as examples—take the vacuum pan, the use of charcoal, the centrifugal machine in the sugar trade, the hot blast by the Bessemer plans in the iron trade, the great

improvements in grinding flour, in the manufacture of carpets, &c. The patent system is an institution that has grown up in controversion (as I read it) of the Statute of Monopolies, and in opposition to the mind of Parliament and of the nation, which found expression in that noble declaration of what is the Common Law of the realm of England, an institution that enables any inventor or acquirer of the knowledge of an invention, who has money at command, to possess himself for fourteen years, or till dispossessed by law, of these exclusive privileges. Under this system authority and opportunity are given for tyrannical and cruel acts, exorbitant demands, unfounded pretensions, and severe wrongs, detrimental to British manufacturers and other home-producers, as well as all consumers.

"Rights of inventors" and "property in inventions," proclaimed by their opponents, the advocates of free industry denounce. That inventors have "rights" we contend, but it is all inventors and not merely the limited number who wish to secure for themselves exclusive privileges. These rights are, according to their pleasure, to work their inventions or not to work them, either to teach others their art in consideration of pecuniary or other personal benefits in return, or to communicate it gratuitously, or to keep it secret if they like and can, without interference with or from the State. Abolitionists of patents dismiss, as an attempt to take unfair advantage, the claim, founded on mere priority of invention or of application, to shut out all others. So with regard to "property in inventions," they contend for that too, but it must be, so far as our laws go, potentially common, and not exclusive property; except possibly in some few very special cases determined on at the option of and after inquiries instituted by the State, and then only on the ground of expediency. As to property in land or commodities, it is based on right as well as on expediency. The proper course is to say—"Let new inventions be kept secret by those who will, as long as they can without compulsion of law and police. The time during which public interests will want the benefit it is their part to convey must, at the worst, in general be short." If such was a cogent argument in communities and in ages where and when manufactories are or were conducted on the small or domestic scale, how much greater the improbabilities of any secret being kept in modern Europe, where manufactories are large, and every workman is in a position to acquire it and can carry it off! How much less the inducement for the State to step in and prevent the people from enjoying advantages which, in the natural course of events, would soon come within their reach! Patentees may allege that this view is not a generous one. My reply will be, Is your course more generous? Are you not calling on the State to neutralise the order of nature—to limit for your sake the rights of society? As to these rights, I wish very briefly to remind you that they are in accord with the order and, therefore, the dictates of nature.

The State does not by its laws constitute these rights or establish what legitimately is property. It only legislates for the protection

of rights or property already constituted, established, and recognised. Before law, therefore, these existed. Was it so with regard to exclusive property in inventions? No. That property could not exist independently of the State. See how ownership of a house, or lands, or commodities, has for its subject something tangible, visible, localised, limited, or contained within certain definite bounds; something which the proprietor may use, or occupy, or surround, or guard, and drive appropriators and intruders from without the State's help—in fact, even if there were no State and no law; and all this with the unequivocal approval and good-will of every honest man. It is the very reverse with regard to the subject-matter of patents. These grant property in something intangible, invisible, unlocalized, infinite; something of which the hypothetical proprietor can himself occupy or enjoy only an infinitesimal part, and the rest of which it is impossible for him to keep others from occupying or enjoying, except by the State making it a penal offence for a man to do what it is his right and duty to do, *i.e.*, to use his knowledge, and help himself, his family, and mankind, by adopting in all his workings every known or possible improvement. The inventor, who asks government to interfere then in his behalf, and the government that interferes, are, by enforcing sole proprietorship or exclusive occupation within the field of knowledge, that is, by infliction and exaction of these penalties, acting against the public good, much as if they restricted the number of acres allowed to be under cultivation, or the number of ships allowed to plough the high seas. The difference between things which are both material and limited in quantity, and things immaterial, which are in their nature inexhaustible, may be illustrated by another contrast. If a piece of land is cultivated, or an agricultural implement is used, and produces a crop for one owner, no multiplication of owners would increase the addition so yielded to the food of mankind; but if an invention is worked by many persons, there will be increase of production corresponding to the numbers of separate workers. The reason is plain enough. In the one case we are dealing with a single thing, which is only a portion of the whole land on the globe or whole number of implements that may be made; in the other case, we are dealing not with a thing but with a universal idea, or principle, or mode, or capability of making any desired number of single things. There is no true analogy. There is perfect contrast.

The foregoing observations are directed against the attempt which many advocates of patents now-a-days make, to gain favour for the idea of "property in inventions," by alleging that it is demanded by "justice to inventors." According to my view, justice to inventors (some of whom we know do not wish patents, which they think unnecessary or a hindrance, though this is not a universal feeling, and indeed very far from it) allows no such demand. Dismissing that as a political and commercial heresy, let us meet opponents who rest their defence on the ground of expediency. The best of the appeals made to us are based on that ground. Indeed, most defenders of

the system of patent laws urge them in order to elicit fresh inventions for public benefit. But, strange to say, all this proceeds not from the miners, and manufacturers, and users of new inventions, who are the parties in the nation most able, by their position, to speak with weight, but chiefly from the few hundreds of persons who take out patents; not from the many who, it is alleged, would be benefited, but from the few for whom the patent system secures the abstraction which they covet from the public domain. These last are organised and banded together for the maintenance of the institution around which they rally. Why, if patents are indeed so advantageous, this contrast—the coolness of the one, and the ardour of the other? The rejoinder of the defenders through their mouthpieces is, a charge against manufacturers and other master industrials, that they dislike and grudge to adopt improvements, because of the trouble and expense of introducing new machinery. Who will believe that this prejudice, this folly, prevails extensively, who knows the lavish expenditure on works, and the powerful stimulus to outlays, which competition to produce the best and cheapest articles effectively presents? But even if the reply were satisfactory with regard to costly machinery, would it tell with regard to cheap machinery, and with regard to chemical processes that require little machinery? These are equally, and, as a matter of fact, much more frequently, patented than the other. The real state of the case is, that heads of establishments, as a general rule, value and hail improvements; but they begin pretty extensively to object to the principle and practice of patents. That principle and practice is absolute monopoly, leading sometimes to refusal of “licences,” and oftener to intolerable, and in most cases to smart and stiff, exactions for these participations in the monopoly. Some opponents complain of this word “monopoly.” The abolitionists object to the thing which they cannot deny is of the essence of every patent. As to licences, if they are granted, and as to royalties, if they are not intolerably high, no thanks to the law. The law cruelly—though I know from inconsideration only—exposes British industry to the risk of extortionate charges. But, be these charges high or low, they are amenable to this arraignment, that they are from their very nature, even when there is no abuse, unequal, as all must allow, and unjust, as some of us call out; for what patentee holds himself bound to subject all his licences to the same rates of royalty? And, though he were to do so, does his own rivalry, having no royalties to pay, with others who have these to pay, not put a difference between him and others? What is worse, more odious, and more anti-British, our industry is continually exposed to competition, not merely in the markets of the outer world, but in those of the United Kingdom itself, with foreigners who are paying no royalties at all, their exemption from royalties amounting in some cases to a splendid profit. By way of illustration, take the following case—In Prussia there are no Bessemer patents, hence Prussian iron manufacturers triumph in tendering against ours. Again, in Holland, where patents are to

cease on the 1st of January next, there is a keen and formidable contest with British refiners of sugar for the supply of foreign and British markets. Now, with the small percentage of profit usual in that business, can these our fellow-subjects stand the heavy exactions to which they were in my experience accustomed, and are daily becoming more and more exposed? Let this ill-treatment cease. It never was intended. It results from the cessation of commercial protection being accidentally, and not designedly, left without the rectification of release from taxes to patentees. It would be the infatuation of vain pride to act as if our British skill and dwindling superior advantages could contend with success under advantages none the less galling because artificial and removable. There is no need to weight ourselves thus in the race of the industrial arts. It is not chivalry but quixotism to do so. The State will do well, as such, to endeavour to obtain for her industries early and complete knowledge of every improvement, but also, and at the same time, its free use. This she can hopefully do by other and more effectual stimuli. In money rewards and marks of honour she has a vast reserve of power wherewith to call forth inventions. Let it be brought into exercise. That will be policy, not only patriotic but also philanthropic. It will be national economy. The price at present paid is nationally most profligate extravagance, excusable only because perpetrated in ignorance. This extravagance is twofold; it respects money and distraction from business. As to money, an authority which, if I were to name it, would command the utmost attention, lately represented in my hearing that of every hundred pounds that the patent system by its royalties and augmentations of price, cost the country, not more than one pound reaches inventors. Add to this the value of trades and employments which Britons miss or lose, and how dearly do we pay for this whistle! As to the other mischief of magnitude just spoken of—distractions from business, realise if you can the excessive demands on time and thought which the theory and operation of this coddled patent institution imply and require.

I invite this Association to consider whether it is fair, or sensible, or safe, to subject industry, along with the heavy pecuniary burden of royalties, to the necessity of undergoing the formidable amount of work and trouble which I will now very feebly and inadequately set forth, as encountered by some master who is a man in easy circumstances, but which would be insuperable obstructions when encountered (the supposition carries absurdity on its very fore front) by a working man or any humble toiler on the small scale. Such an inventor as this would be baffled at the outset, and be tempted to conceal his improvement. Thus, the patent system, alleged to have the merit of securing divulgence and publication, would have the exactly opposite effect. Reduction of the price of patents would not, it will be seen, touch the objections I proceed to illustrate, which I must do incompletely and only suggestively, for I must be brief. Persons familiar with patent procedure can

easily make the picture I proceed to draw in outline, vivid. A manufacturer makes a discovery, suppose it is of a new process, and would at once introduce it in practice. But what if it is already patented? You say, he would know by what is going on in his trade. How should he? The patentee's or his licensee's works may be hundreds of miles away, or, if near, may be closed against him—a thing rather habitual than otherwise. But what if patented, yet not anywhere worked? It may be objected that the patent office prints all specifications. Yes; but how is the manufacturer to get access to these valuable storehouses or lumber-rooms? Is he to buy the whole series in order to learn whether the coast is clear? No; he may go to some place where specifications of patents are kept for public inspection. He may, that is, journey to London, Liverpool, Edinburgh, or some other town which he may learn about. But, that is only the beginning of his work. When there he ransacks vigorously hundreds of specifications, very tedious and very mystical documents, and is sorely puzzled to understand them. At length he lights on some that seem to touch his subject of search, but, unable to settle to his own satisfaction whether these really do stop the way, he calls in a patent agent to advise him. The professional eye detects danger in one or more of them. The matter is still not clear. A case is made out and submitted to counsel. The opinion obtained is adverse. Our manufacturing friend, determined to give himself and the public the benefit of the improved process, declares himself ready to treat for a new license. Where, however, is the patentee to be found? He has emigrated perhaps. Correspond with him if you can get his address. The address is got and a letter is written; after long delay the answer comes. He has sold his patent rights. The assignee, however, by good chance, has not emigrated, but he lives very far off. Personal communications are wanted. The parties meet. "What is the extent of the intended operations?" This and other information is furnished. Then comes the assignee's demand. It is exorbitant. "If you don't like it you may leave it." The manufacturer feels aggrieved. He cannot afford so much; but what is he to do? He yields. Perhaps though, as often happens, the discoverer saves himself the trouble of making investigations. Not knowing any reason to doubt his priority any more than his originality, he summarily introduces the process. Time passes on; a large trade is done. By and by a patentee, or, much more likely, the assignee of some patent which he has purchased for a comparative trifle, raises two actions; one to declare this honest man an infringer, the other to obtain compensation out of his profits, and this whether there were profits or no.

But our manufacturer may be one of those keen men who secure patents for the sake of shutting up the road against every neighbour who will not pay them royalties, or, without any such propensity, he may be wide enough awake to see that, if he himself do not take out a patent somebody else—a plagiarist—may secure the monopoly

over his head, and make him liable to pay for the use of this, his own invention! He is tempted therefore to apply for a patent. The steps he has to take show us how unsatisfactory, as a system, patenting is. He has to begin, in secret, and therefore under manifold disadvantages, to make an indefinite number of experiments, and trials, and alterations, and observations, for which he finds it most desirable to call in help, and take advice from other persons. Fear of exposing what he is about disables him to do this freely and satisfactorily. He feels sorely the hurtful pressure of haste to complete his investigations and operations speedily lest he be intercepted. He completes them. Putting himself into the hands of a patent agent, he incurs the cost and trouble of preliminary searches and opinions, much as represented in an earlier part of this detailed illustration. That he will do if he acts fairly to the public (which there are too strong grounds to believe is very often not the case, and sad are the wrongs and misdeeds that are thus cloaked and perpetrated). Whatever be his course in this respect, he becomes duly a patentee. He hopes he has steered clear of obstructions, and got all secure. But wait—he is attacked from two sides. He has to face actions against himself as an infringer and against his patent as invalid. After much anxiety, much labour, much expense, and many absences from home and from his own proper business, he is, let us suppose it, so uncommonly lucky as to be victorious. How is he to reap the advantages which the patent, now established as valid, somewhat delusively promises him? Is he to hawk his invention, and puff it all over the kingdom? How can he? His legitimate occupations already absorb his whole time; and even were it otherwise, he has as little aptitude as taste for such work.

Grant now that all these difficulties disappear under pressure, will the puffing and hawking suffice? He has a deal more to undergo. He must exhibit, must teach licencees, must help them, may even, in order to set them right when they go wrong, or before they go wrong, require to visit their premises, perhaps at a great distance from him and from one another. But that is not nearly all; self-interest, even more than regard for his licencees, bids him take patents in a number of other countries. Similar, and from difference of language and habits, more irksome, is the ordeal there. When all privileges are fully obtained (suppose him again perfectly successful), the result no doubt generally is that he finds the tasks he has undertaken are too much for him. He neglects them, or perhaps, by attending to them is ruined. For he finds he must give up in despair some part, probably the greater part, of his prize and his expected emoluments. So he transfers them, if he can, to some speculator for a trifle; but no trifle do the licencees pay. When I speak of licencees it will be understood that I regard them as intermediates, or channels, through which, on the one hand, the benefits of the improvement are conveyed, and, on the other hand, the burden of the royalties is transferred to the nation. It is not entirely so, for, in the growing number of instances where foreign competitors

escape the burden of paying for inventions, though they use them and benefit by them, licencees cannot pass that burden off from their own shoulders on to those of consumers—the nation.

This consideration brings into view the changed aspect of the patent question since protective duties on imported manufactures, and in favour of home-raised or home-made productions, have ceased. While these lasted, the domestic markets at any rate were preserved from the unequal and, let us acknowledge it, the unjust competition. Let another fact be remembered, too, by well-meaning defenders of the *status quo nunc*, namely, that concurrently with the development of our free trade policy, and continuously since, continental nations have made rapid and remarkable progress in ability to compete. Fourteen years' postponement of the free use of inventions, which was before that change an evil comparatively light, is so no longer. The struggle is becoming one for existence. Every unnecessary restriction, therefore, that hinders free use and presents to British manufacturers the alternative of being wounded by the one horn of his dilemma—subjection to the patent tax, or by the other horn—inferior goods and too costly operations, must be regarded as a wrong done to them and an injury to the nation.

Under difficulties which legislation does not create, and impartial legislation cannot remove, British sufferers will bear up cheerfully, saying not a word. But why should they, or we, be silent if the difficulties against which this paper is a protest are entirely factitious and removable? What would be the multiplied and manifold mischief if the patentee interest were successful in simply cheapening patents, and thereby doubling the number of these forbiddings of knowledge. Surely, it may be asked of my opponents—Are you aware of these evils? Do you deny their existence or their force? You cannot. Then are you indifferent? Rather, I trust, you sympathise and are patriotic. Feeling and acting thus, estimable inventors, we will honour you and deal well toward you. At the least I claim from any such who are now present, upright and earnest resolution to do no harm to other interests in maintaining their own, to relinquish the present system if it is, as I contend, incompatible with free trade (an essential condition for which is freedom of industry, *le libre travail*) and join with me in trying whether we cannot devise and secure a better system.

If time and space permitted, I should like to review the effect of the patent system on the great body of inventors, to whose progress its obstructions are hindrance; on the many poor inventors, and on working men, a portion of the community whose well-being is closely connected with "absence from every restraint upon the demand for, and the remuneration of, labour, and to adduce reasons for concluding that to abolish the system would render all these important service. This would be especially the case if any other system—one of direct and equitable Government rewards—were substituted, which would stimulate and promptly recompense inventing, and publishing of inventions. To merit and receive the

lowest of the rewards and acknowledgments which I have elsewhere exhibited in the form of a scheme ready to be considered, would of itself be more than pleasing; it would be a testimonial and recommendation permanently valuable and useful.

As for myself, I am not unfriendly to inventors, but I claim on behalf of the body of the people that, if the State continues to take under its charge the remuneration of invention, this shall be done in some way that will not conflict with national rights and interests. Justice before generosity. It may be generous to the few, but it is injustice to the many, to grant patents if these on the whole do more harm than good to the public, which the abolitionists maintain is the case. The whole question of harm or good is one of degree, a balancing the arguments and advantages in favour of reforming the invention monopoly system against those in favour of abolishing it. I contend that the latter preponderate.

MR. HENRY DIRCKS, C.E., LL.D., read a paper "On the Policy of a Patent Law" as affecting manufactures, trade, and commerce. He maintained that Mr. Macie, M.P., while advocating the abolition of patents, gave no statistics in support of his statements. He, therefore, continued Mr. Dircks, leaves us to draw our own conclusions from his having had to pay 3000*l.* for an unworkable patent, and a further sum of 1000*l.* to cancel his contract. He also adduces, as an instance militating against patents, the fact that, in the case of Howard's vacuum pan, the patentee being bound by the sugar-refiners to grant no licences within certain limits, had the effect of excluding a certain wealthy sugar-refiner in Sheffield from the benefits of the patent. Mr. Dircks contends that all the blame of the hardship thus cited rests on the neighbouring sugar-refiners, who thereby obtained a monopoly to the disadvantage of the patentee, and to the ruin of a fellow manufacturer.

Mr. Dircks next alluded to the misconceptions that arise from designating and speaking of a body of manufacturers as "the public." The interests of manufacturers and traders are not necessarily commensurate with the interests of the consumers—the millions. Mr. Dircks asks—"What demand can fairly be made on 'the public' to aid in destroying and abolishing this 'antiquated patent system,' to secure the 'public safety?'" Such language he considers but as the laments of the old highways against the intrusion of railways, and he endeavours to show that the interests of the millions are met in many ways by means of patents for inventions; and to them he traces much of our present progress. Indeed there is not (he observed), a solitary instance on record of the public at large being placed otherwise than advantageously through the intervention of patented engines, machines, and new manufactures. He urged the fallacy of assuming that had there been no patent law in the time of Watt, that he and Boulton would have become partners all the same: or in like manner that

Arkwright, Bramah, Foudrinier, Palmer, Andrew Smith, Young, Bessemer, and others, would have given their inventions to the world. But he expressed as his opinion that manufacturers really expect nothing of the kind; and that the absence or delay of inventions would prove no source of regret to them, because patented inventions only serve to substitute something new, or to multiply, or to uproot and replant; reforms which are often too sweeping for manufacturing interests, although of the highest possible service to the community at large. But worst of all to the manufacturer, there comes through the working of patents endless competition, everywhere and in everything ceaseless competition; every article of luxury and necessity is cheapened through production often almost exceeding consumption. Mr. Direks instanced a case of competition arising from capital being employed to beat a secret manufacture; showing that wealth itself must succumb to the cheaper process of an ingenious invention. It is, then, principally owing to the competition in all manufactures, that patents for inventions introduce and uphold, that manufacturers raise the outcry we hear against patents, and would fain stop their too wide-spread progress, by abolishing the law of patents.

After stating the case of inventors, and assuming patent laws to have been not yet called into existence, Mr. Direks suggested that we might at this day only be dreaming of steam-engines instead of atmospheric engines, and in like manner have been behind in many existing important inventions. He then proceeded briefly to propose some improvements in the framing of a new Act, in which particularly care should be taken to distinguish between inventions and improvements on inventions, giving the former fourteen years' protection, and the latter according to a scale from one to seven years; thus placing valuable inventions on their rightful bases in public estimation.

DISCUSSION.

Mr. FREDERIC HILL remarked that the difference between the two parties on this question had been very much narrowed, the mode of remuneration to inventors being now the only matter in dispute. Two committees appointed by the Society had recommended as an experiment that inventors should have the option of leaving their remuneration to be awarded by the State, on proof of the value of the invention, and he believed many of them would adopt such a course. The result would probably be so satisfactory that the plan might gradually be made the rule, and patents be altogether abolished. The hardship urged by Mr. Macfie of British manufacturers having to pay a royalty for the use of inventions, while foreigners could use it gratuitously, might be removed by the introduction of international patents analogous to international copyright.

Mr. A. V. NEWTON disputed the assertion that the trade of this country was declining. The exports of English and Irish produce amounted in 1843 to 52,000,000*l.*, in 1858 to 116,000,000*l.*, and in 1868 to 179,000,000*l.*; the value of cotton goods in those three periods being 16,000,000*l.*, 33,000,000*l.*, and 52,000,000*l.*; of cotton yarn, 6,000,000*l.*, 9,000,000*l.*, and 14,000,000*l.*; of woollen and worsted goods 5,000,000*l.*, 9,000,000*l.*, and 19,000,000*l.*; and of iron and steel goods, 4,700,000*l.*, 11,000,000*l.*, and 15,000,000*l.* The exports of railroad iron were in

1858, 3,500,000*l.*, and in 1868, 4,600,000*l.*; and of machinery, 817,000*l.* in 1848, 3,800,000*l.* in 1858, and 4,700,000*l.* in 1868. Inventions to be successful required nursing, and the late Canadian Minister of Agriculture had urged that protection should be given to improved processes and machinery originating in other countries, on the ground that for want of such protection nobody sought to introduce them into Canada. Inventions which they could get for nothing never got there at all. There would be no stimulus to improvement if a man went to a great expense in testing and perfecting a new process, and then found that his neighbour could use it without having incurred any expense. Twenty or thirty years ago Sir Emerson Tennant obtained protection for calico printers. They strongly opposed this measure at the time, but after experience of its working, they presented him with a testimonial for the benefit he had conferred on them. The tendency of legislation was to give increased protection to inventors, and among working men there was never a stronger feeling than at present of the advantage of patents. He (Mr. Newton) regarded international patents as impracticable, for no two countries were in the same position. There would be no valid patent, for persons might go to China and there find something in use which would invalidate a patent taken out in Europe. If an invention was known or pretended to be known, in any of our colonies, it upset an English patent, and this absurdity would be aggravated by an international patent law. The difficulty, delay, and expense of trying patent cases was no reason for abolishing patents.

Mr. WEBSTER, Q.C., F.R.S., pointed out that to prevent an obstructive patent, an evil in the existence of which, however, he did not believe, there ought to be a compulsory licence. Mr. Macfie seemed to forget the short duration of patents, viz., not more than fourteen years. Now ninety-nine out of a hundred were not successful till near the end of that term. Mr. Bessemer, who deserved all that he had got, would lose his first patent next year, thus making rails thirty-five shillings per ton cheaper. As regarded improvements on an existing manufacture, there were ample means of getting round an inventor who refused licences; but the public required to be educated to inventions absolutely new. An invention which displaced existing machinery required enormous capital to bring it into use. A man was as much entitled to remuneration for an invention as for a book or a song, and patents could not properly be compared to the old monopolies, those being an interference with existing trades, whereas a patent created a new trade. It would be an advantage to us for Holland and Switzerland to abolish patents, since inventors in those countries would then bring their inventions here. This was a struggle of capital against brains. Mr. Mundella, M.P., was partner in twenty patents with working men, and many persons in the manufacturing districts, originally working men, have risen through their property in inventions, and their having found capitalists to associate with them.

Mr. GRECE remarked that the facility of evading a patent showed the futility of the present law.

Mr. DIRCKS, in reply, remarked on the importance of discrimination between inventors and improvers. The latter should be allowed patents for only three years, with power of extending them in exceptional cases. Inventors, unfortunately, were often unconnected with the trade to which their inventions related, and even if they were willing to invent without protection, no capitalist would come forward to help them on such terms. Many inventions required the outlay of large sums, and also a long period of time. Moreover, unless they were so extraordinary that their importance was obvious, and so cheap that anybody could adopt them, the best inventions might remain a dead letter. The Society of Arts proposed to give rewards for inventions instead of patents, but scarcely any of those inventions had come into use. A large machinist, whom he knew, expended 1000*l.* per annum for some years in buying improvements. This would not be done in the absence of protection.

Mr. SPENCE urged that if the patent law were abolished on account of the difficulty of administering it, many other laws must share the same fate. The law ought to stand by the rising men against the risen men. In Prussia, the difficulty of getting protection led inventors to quit the country.

Mr. MACFIE, in reply, admitted that there should be a stimulus to inventions, but contended that it ought not to take the shape of restrictive privileges,

hindering their free use by our own manufacturers, while foreigners used them freely. Mr. Bovill, for instance, charged 6*d.* a quarter on wheat ground by his process, whereas foreign millers used it without payment. Patents might have been desirable in former times, but the growth of wealth and manufactures had made them unnecessary. An index and classification of every existing invention would take a century. Patents were about to cease in Holland, and Canada had pursued an opposite policy to that advocated by the Minister of Agriculture, in 1864, confining patents to residents in the colony. He had understood that Mr. Bessemer, whose patent was impracticable and unprofitable, except in combination with Mr. Mouchet's, refused a licence to a house which would have extensively practised it. As for circumventing unreasonable inventors, this required money, and it was dishonourable to force manufacturers to such a course. There was such a love of novelty that there was no fear of inventions not being put into operation. He did not agree with Mr. Hill¹ that inventors should have any option, for one method would certainly smother the other. It could not be the interest of working men to shackle our manufactures, and without claiming that all the agreements or advantages were on one side, he insisted that the preponderance was on the side of freedom.

Mr. WEBSTER explained that, in his view, inventors were practically forced to concede reasonable terms, since otherwise persons either went on using the old process or else made an approximation to the new one.

The Parliament of Nations. By ALTURO DE MARCOARTU,
of the Society of Political Economy, Madrid.

AT the present time when the electric wires are not only flashing from one extremity of Europe to another, but are spreading across the Atlantic and throughout the whole of North America the cordial assurances of peace enounced by the lips of the Foreign Secretary of Great Britain—at this juncture, we repeat, it is, when we ought to do our best to accelerate the laying of those foundations which may best uphold the fabric of the Temple of Peace.

In the midst of our present tranquillity it behoves us never to forget the incurable ravages occasioned by war nor the incalculable losses resulting from the mere apprehension of an approaching national conflict. Now, better than at any other moment, might men of good-will sit down in concert to draw up and grave in indelible characters a standing record of the moral of nations.

Were we to compute the total amount of blood which has been shed in the battles of recent times, to pile in one ghastly heap the corpses which modern war has prematurely consigned to the cemetery, and to reckon up, if possible, the value of the priceless treasures which have been destroyed by gunpowder, we should discover that no epoch has been more bloody and destructive than the nineteenth century. And in order to attain to a complete conception of this wasteful butchery, it is requisite perpetually to bear in mind that between the years 1853 and 1856 the wars of Europe, Asia, Africa, and the Americas have occasioned the slaughter of 1,800,000 men; victims more in number than one half the population of London, or about equal in amount to the total of inhabitants scattered over the immense plains of the Argentine

Confederation. It is essential, let us repeat, to be daily reminded that these wars have swallowed up 2,000,000,000 of pounds sterling, or in other words, the aggregate labour product annually of 40,000,000 operatives; more, let us say, than the entire number of the inhabitants of the United Kingdom, supposing each to be actually earning a pound per week. And again, it is necessary, to keep in view from day to day, that owing to the prevailing apprehensions of impending war, the Banks of England, France, Belgium, Holland, and Switzerland are holding, locked-up inactive and unproductive, no less than 150,000,000/ sterling, which might otherwise be affording, in the more sparsely inhabited portions of the globe, advantageous employment to the starving millions of poor and helpless, whose piercing lamentations are rending the hearts of civilised Europe, and who are on the eve of being driven by the impulses of a reckless despair to assume the banner of socialism and bring down havoc upon the work of many generations.

Wherever peace has been allowed to assert her supremacy, pauperism has become extinct; for the earth yields in superabundance immense tracts of fertile soil which only invite the industry of the labourer. But wars and rumours of wars have withdrawn a large proportion of capital from circulation, and squandered another portion in the work of devastation, and the result is, "no bread for the poor." Hence, the poor, who are the majority, are unable to obtain relief for their most pressing necessities; and hence, too, the more prosperous, who are the minority, can never be said to enjoy a feeling of perfect security. The deep discontent which pervades the former unhappy section of the community, is assuming such formidable proportions, that immediate steps are urgently needed if we would forestall the advent of a hideous spectre of socialism, which shall wring from us, amidst the horrors of an already rampant revolution, the mournful "it is too late" of past neglect.

From the Peace of Westphalia up to the present time, in the space of little more than two centuries, upwards of 1200 treaties of peace have been entered into, resulting, for the most part, from preceding wars; but not a single international tribunal has yet been established, nor is there any valid recognition of a *Magna Charta* to serve as a code, which shall be binding upon all nations.

So much is it to the contrary, that each State has, in its own constitution, embraced a different view to the questions of definition of naturalisation and nationality, and a host of similar topics relating to nationality, naturalisation, and allegiance have been continually springing up between the United States and England, France, Austria, and Prussia; between Spain and her former colonies; and recently between Switzerland and the North German Confederation. The rights of property are determined by each country according to its own especial fashion. Legal administration confers certain specific civil rights upon natives, and others which are distinct upon aliens. Commerce which claims the whole universe for her birth-place,

during her incessant travellings from one frontier to another, is continually diversifying her code. The questions of asylum, of crime, and of extradition are being interpreted in different senses by different governments. In warfare, belligerents or neutrals, armistices, prizes and prisoners, articles of war, and contraband of war, are terms, which have not, at all times and in every quarter, the like signification. Hence, the source of a multiplicity of questions of competency, and hence the origin of interminable demands and controversies, which grow up between different states, and either furnish pretexts for immediate acrimony and strife, or else are suffered to stand over and hold in continual jeopardy the tranquillity of nations.

Let us add to this, that reigning sovereigns meet, governments confer together, and the executive powers in some cases even determine the question of war between nations, who themselves neither meet in reciprocity, hold conferences, nor pass resolutions; and we shall need no further facts to convince us of the instability attaching to the question of peace, under the existing conditions of international relations.

At the present day, when steam has approximated Spain, the southernmost portion of Europe, to a distance from England, equivalent to that which intervened between the latter country and Scotland thirty years since; and when the will of mankind is interpreted telegraphically from the North American shores of the Pacific to Hindostan, passing beneath the waves of the Atlantic and the Mediterranean, in less time than was required fifty years back to pass through London; it necessarily follows that the same social principle which has dictated the constituent rights of cities, ought also to prescribe the constituent rights of nations.

The idea of an international congress of sovereigns, suggested by Napoleon III. in his literary works, and which it was his purpose to carry into effect when occupying the imperial throne of France, may possibly have been received with a secret, although perhaps groundless, suspicion, and has been too hastily rejected by governments, which are now occupied in strenuous efforts for the preservation of peace. But when an international congress is assembled which shall respond to a sentiment more expansive than could be represented in the person of the head of a single state; when such a congress, resting firmly upon its high functional powers, shall turn a deaf ear to the moving, and not always just, influences of the executive powers, and to the selfish passions and vulgar prejudices, bound up between the narrow limits of frontier and frontier; when, in a word, it shall be the peoples and not the governments, much less the heads of states, which shall elect the representatives of a truly international parliament; then, as it will be the people who appoint the congresses, we shall be indeed progressing towards a criterion of international justice emanating from one sole and unvarying code of morality, whatever may be the religion, the race, or the territory of the peoples so assembled.

Whatever has been before accomplished by individuals constituting communal associations or municipalities—whatever has been subsequently carried out by such municipalities, whether becoming provinces, departments, cantons, or states—whatever has been worked out by such provinces, departments, or states forming themselves into a nation,—why should not the same ends be effected by the natives themselves, while still preserving their autonomy, whether monarchical or republican, and thus a way be opened for the last step towards a political association with a free International Parliament?

The erection of a municipality cut short the quarrels of the commonalty, in the same manner as the establishment of a national government put an end to wars between provinces or counties; and there can be no reason why an international code should not tend in the same way to hasten the suppression of future wars between nations.

An Areopagus, an Amphictyonic council, a court of reference, and a court of arbitration are at present as necessary and not more impracticable than ordinary tribunals were in the middle ages; and may be obtained in the same spirit in which the confederated barons of 1215 extorted from King John that Magna Charta of the Common Liberties (*Communium libertatum*) which Hallam designates the keystone of English liberty. The barons of Social Science might well draw up, eight centuries later, another Magna Charta which should prove the keystone of the Peace of Nations.

The Prime Minister, not many years ago, described the nineteenth century as "the century for working men." And working men have, in fact, afforded us the first example of a free International Parliament, in that which was convened at Geneva on the 3rd September, 1866, and which consisted of seventy-four deputies until then unknown, representing 160,000 working men of England, France, Belgium, Germany, and Switzerland, and met together for the purpose of discussing questions of the gravest social interest.

The Peace Congress, the Associations for the Promotion of Social Science, the Financial Reform Associations, and the Free Trade League, have given the initiative in this country to that movement of social progress which has now for years been agitating Europe and America; and it will doubtless be the destiny of the Anglo-Saxon race to give a commencement to the representative life of nations, and to establish on a firm basis an International Parliament, having the double mission of a congress and a tribunal. In the capacity of a congress, it would set forth the new international rights, it would settle the political status of nations, and would favour the free development of commerce; and in the capacity of tribunal and grand jury it would deliberate, pronounce judgment, and arbitrate, in behalf of the interests of peace, in all international differences.

The age which has emancipated 25,000,000 of men from serfdom

during her incessant travellings from one frontier to another, is continually diversifying her code. The questions of asylum, of crime, and of extradition are being interpreted in different senses by different governments. In warfare, belligerents or neutrals, armistices, prizes and prisoners, articles of war, and contraband of war, are terms, which have not, at all times and in every quarter, the like signification. Hence, the source of a multiplicity of questions of competency, and hence the origin of interminable demands and controversies, which grow up between different states, and either furnish pretexts for immediate acrimony and strife, or else are suffered to stand over and hold in continual jeopardy the tranquillity of nations.

Let us add to this, that reigning sovereigns meet, governments confer together, and the executive powers in some cases even determine the question of war between nations, who themselves neither meet in reciprocity, hold conferences, nor pass resolutions; and we shall need no further facts to convince us of the instability attaching to the question of peace, under the existing conditions of international relations.

At the present day, when steam has approximated Spain, the southernmost portion of Europe, to a distance from England, equivalent to that which intervened between the latter country and Scotland thirty years since; and when the will of mankind is interpreted telegraphically from the North American shores of the Pacific to Hindostan, passing beneath the waves of the Atlantic and the Mediterranean, in less time than was required fifty years back to pass through London; it necessarily follows that the same social principle which has dictated the constituent rights of cities, ought also to prescribe the constituent rights of nations.

The idea of an international congress of sovereigns, suggested by Napoleon III. in his literary works, and which it was his purpose to carry into effect when occupying the imperial throne of France, may possibly have been received with a secret, although perhaps groundless, suspicion, and has been too hastily rejected by governments, which are now occupied in strenuous efforts for the preservation of peace. But when an international congress is assembled which shall respond to a sentiment more expansive than could be represented in the person of the head of a single state; when such a congress, resting firmly upon its high functional powers, shall turn a deaf ear to the moving, and not always just, influences of the executive powers, and to the selfish passions and vulgar prejudices, bound up between the narrow limits of frontier and frontier; when, in a word, it shall be the peoples and not the governments, much less the heads of states, which shall elect the representatives of a truly international parliament; then, as it will be the people who appoint the congresses, we shall be indeed progressing towards a criterion of international justice emanating from one sole and unvarying code of morality, whatever may be the religion, the race, or the territory of the peoples so assembled.

Whatever has been before accomplished by individuals constituting communal associations or municipalities—whatever has been subsequently carried out by such municipalities, whether becoming provinces, departments, cantons, or states—whatever has been worked out by such provinces, departments, or states forming themselves into a nation,—why should not the same ends be effected by the natives themselves, while still preserving their autonomy, whether monarchical or republican, and thus a way be opened for the last step towards a political association with a free International Parliament?

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in Russia, and freed 10,000,000 from slavery in America; which has cast down the boundary wall of China; which has crowned the pyramids of Egypt with a parliamentary constitution; which announces the advent of a representative system in the glacial empire of the north and the eastern empire of Japan; the age which is extending the principle of universal suffrage through France, Spain, the North German Confederation, Italy, Switzerland, and the whole of America, all which nations have appointed their own head of the State by plebiscitum; the age which has conceded to the Swiss people the suffrage *ad referendum* of their own laws, and which desires to carry into effect the plan of a people governed by the people: will surely not much longer allow either the executive or the legislative powers to proceed to the extremity of a declaration of war without a previous recurrence to the national "plebiscitum."

At the present moment, the Paraguayan question, which is going on at the extremity of South America, awakes an interest in England, Belgium, France, and Germany; the Luxemburg difficulty affected the whole of Europe; international affairs in the East cause serious disquietude in the old world; and the Alabama difficulty weighs heavily upon the prospects of the whole world. And we shall never be free from the dread of war between nationalities, as long as these, ignoring their own power, suffer their lot to lie at the mercy of governments not always swayed by the maxims of political morality. Nor can we hope to live in tranquillity while (owing to the fear of a possible warfare between the different races), millions of men are being ground down by avoidable sufferings, who might in their despair be easily wrought upon to set on foot a social war, acquiring tremendous proportions from the gigantic and pitiless conflict it would excite between misery and opulence.

Nor will it ever be possible to keep at a distance a war between different races, or a war between different classes, except by the intermediary of an International Parliament and the Plebiscitum of Nations.

*On the Desirability of Improving the Administration of the Law in Courts of Quarter Sessions and Petty Sessions.** By
T. W. SAUNDERS, *Barrister-at-Law, Recorder of Bath.*

COURTS of Quarter Sessions are those tribunals, one of which is established in each county of England for the trial, with certain exceptions to which I need not further allude, of all kinds of indictable offences, and of appeals from the decisions of justices; and Courts of Petty Sessions are those tribunals established in the various petty sessional divisions into which all our counties are divided, for

the disposal of classes of criminal offences not indictable, and the determination of a vast variety of disputable and other matters which the Legislature has thought may be decided upon summary proceedings before Justices of the Peace. To give some idea of the magnitude of the jurisdiction and powers of each description of tribunal, I must state that it appears by the returns for the year 1868 that very nearly one-half of all the criminal trials of this country take place (excluding Middlesex) in the Courts of County Quarter Sessions, whilst no less than 490,752 persons were criminally proceeded against in our Courts of Petty Sessions. Further, to illustrate the magnitude of the powers possessed by the latter description of courts, I will mention that in the last year no less than 87,364 persons were committed to prison by them, whilst as many as 215,874 persons had fines inflicted upon them of sums varying in amount, a great many of whom were sent to prison in default of payment. In addition to these powers, Courts of Petty Sessions possess an extensive jurisdiction as arbitrators in disputes of a civil character, and as tribunals selected by the Legislature to make and enforce orders upon an immense variety of subjects. The judges in each kind of tribunal are the justices of the peace—persons who are appointed to the office by the Lord Chancellor, upon the recommendation usually of the Lord-Lieutenants of the counties, or other persons upon whose judgment he can rely. A knowledge of the law is never deemed an essential, nor is the entire ignorance of it in any way considered to be a disqualification. Indeed, a rule prevails of never appointing an attorney, and if by chance a gentleman is selected who has made the study of the law his business in life, it is a circumstance which gives him no precedence or any other advantage of position or influence. Selected as the county justices are from amongst the landed proprietors, it rarely indeed occurs that they possess any other personal requisites for their office save what may be recognised in common in all men of ordinary understanding and honest intentions. For the most part, our justices of the peace never think it necessary that they should study the law they are called upon to administer; and in fact, they rarely know anything about it, save what they casually pick up in the courts in which it is their duty to attend.

I have before observed, that a Court of Quarter Sessions is established in each county, and that the judges are the county justices; a justice selected by his fellows and called “the Chairman” sits as president; and although he has legally only co-ordinate powers with the other justices, he usually takes the lead and is ordinarily looked up to as the guiding and influencing spirit of the Bench. The question which at once suggests itself is this. Is it desirable that the Chairman should be a lawyer? Were we now for the first time about to establish these Courts, we should probably treat this question as too absurd to require an answer; or if we replied to it at all, it would be by drawing attention to what the Legislature has itself enacted with reference to the much less important Courts of Borough Quarter Sessions, over which the presiding judge, the Recorder, must

be a barrister of not less than five years' standing ; and by retorting the question of—Why is it desirable to have a lawyer to preside in the one Court, and not in the other ? But as it is *not* now legally requisite that a Chairman of County Quarter Sessions should know anything of the law, let us examine some of the more conspicuous defects of the system.

It is the misfortune of the Chairman, that probably never having studied the law, he is less informed upon this branch of knowledge than possibly the most junior member of the Bar practising before him, and certainly he contrasts in this particular most unfavourably with those barristers of standing, who are to be found at most County Quarter Sessions. The evil of this is prominently exhibited when questions of legal difficulty arise, as they frequently do, as to the admission, rejection, or legal effect of evidence, the proper construction of an Act of Parliament, or the application and effect of cases decided by the Superior Courts. To be required to teach the judge the law, which he is called upon to administer, is something in itself absurd, and yet this is what is constantly done in our Courts of County Quarter Sessions. A legal objection is started by counsel on one side, and attempted to be answered, by the counsel on the other, the Chairman having to decide between the two ; he hears cases and sections from Acts of Parliament quoted, legal principles propounded, maxims of law referred to, and nice legal distinctions suggested. All this is new or embarrassing to him. He is a stranger to the cases and sections quoted, the legal principles are to him a novelty, the maxims of law he hears for the first time, and his unprofessional mind does not appreciate nice legal distinctions. He must however decide, and he does so either without venturing upon a reason, or giving one which no lawyer would venture to endorse. He decides to the best of his untutored intelligence, but his decision, though acquiesced in, carries with it neither weight nor influence. Indeed, so conscious are the Bench themselves of their shortcomings in this respect, that it is the rule with them when deciding upon appeals, not to give any reasons for their decisions, their judgments thus losing all the authority and influence which would be derivable from the statement of the grounds upon which they proceed.

Nor is the absence of legal knowledge the only defect in a system which permits an unlearned bench of magistrates to administer the criminal law of the country. There are other evils as great, if not greater, to be recognised in the absence of that trained judicial mind, which should ever be brought to bear upon the trial of criminal cases. Take the ordinary case of the trial of some prisoner for felony. The case for the prosecution is closed, the Chairman having carefully noted down the entire evidence, and the counsel for the prisoner addresses the jury in his behalf, and in doing so draws attention to the weak points in the prosecutor's case, exposing the discrepancies, contradictions, and improbabilities in the evidence, setting up a theory of innocence, and generally pointing out the reasons which ought to induce the jury to acquit the accused. Upon

such a trial before a Judge of Assize, that learned functionary will be found paying the greatest attention to the address of the prisoner's counsel, making notes of his points as he proceeds, and allowing nothing to escape which is worthy of his attention. In his after summing-up not a point made in the prisoner's favour will be forgotten, but with studious care, and anxiety that nothing should escape the attention of the jury which they ought to consider, the case both for the prosecution and the prisoner, is fully, clearly, and impartially laid before them. At Quarter Sessions, it but too frequently occurs that the evidence for the prosecution being brought to a close, the Chairman acts as though he considers his duty at an end until the time arrives for his summing-up, and treating the speech of the prisoner's counsel as merely an ingenious contrivance to lead the jury astray, he resigns himself comfortably and patiently in his chair until it has terminated, and then merely recapitulates the evidence for the prosecution, passing over the address of the prisoner's counsel with the single observation, even if he condescends to that, of "Gentlemen, you have heard the address of the learned counsel for the prisoner, but if you believe the evidence for the prosecution you will find the prisoner guilty, but if you do not, you will acquit him." If it be thought that common sense alone is sufficient to qualify a man to preside efficiently upon a criminal trial, let the difference be observed between the conduct of a case before one of the superior judges, and that of a case before a Chairman at a County Quarter Sessions; let us mark the dignity and care observable in the former, as contrasted with their absence in the latter; let us observe the patience with which every observation of counsel is listened to, and the attention which is paid to every pertinent remark or argument of the accused or his advocate by the one, and the indifference to these which is but too often exhibited by the other. Let us listen to the lucid summing-up of the professional judge, and to the too often illogical, rambling, confused, inconsequential address of the lay chairman, and let us ask ourselves if the merely common sense judge is an efficient administrator of the law!

Nor is it alone in these matters of substance that our Courts of County Quarter Sessions are so open to depreciatory remarks; in matters of form and appearance they are also fairly subject to hostile criticism. Utilitarian as is the present age, it has not thought that in our courts of justice we can safely dispense with those external appearances which impart dignity to their proceedings, and inspire the multitude with a sense of their importance and grandeur. Official costume is unquestionably a great and useful auxiliary in the administration of justice; and a judge clothed in his official vestments infuses into the minds of all around a sense of the high and proper attributes of his office, which is wholly absent when such external appearances are wanting. To speak of the *dignity* of the bench of Justices of the Peace is to speak of that which has no existence, the only sign which distinguishes such a bench from the rest of ordinary mankind, being that (of most questionable decency)

of their keeping their own hats on, whilst all other persons are required to be uncovered.

If it be conceded that the defects pointed out justify the application of a remedy, it remains but to suggest what that remedy should be; and if it be shown that the great radical defect in these courts is the absence of a legal and judicial mind occupying the judgment seat, the remedy almost suggests itself. To bring the administration of justice in these courts as much upon a level with that in our Assize Courts as possible, should be the object to be attained. To accomplish this, it should be made imperative that our Courts of Quarter Sessions should be presided over by functionaries who have made the study and the practice of the law the business of their lives. In other words, the chairmen of such sessions should be professional lawyers. In effecting this alteration, the general jurisdiction over the county matters, such as now usually occupies their attention during the first day of the sessions, need in no way be displaced or interfered with. As to this, no alteration is needed. I would suggest that the functions of the legal chairman should be confined solely to the judicial business of the sessions, being limited in fact to his charging the grand jury, and presiding upon the trials of appeals and indictable offences; in fact, in a way similar to that which acts so satisfactorily in the County of Middlesex. To this end it should be enacted that at a certain Quarter Sessions, to be fixed by Statute, the justices should appoint some fit and proper person, being a practising barrister of a certain number of years' standing (subject to the approval of the Secretary of State or Lord Chancellor), to be the judicial chairman of such Sessions at a certain salary, to be paid out of the county rate or Consolidated Fund, and who, whilst he retains his office, should be prohibited from practising in his profession in the county for which he is appointed.

With such a functionary the County Quarter Sessions would enter upon a new era of existence; they would at once occupy a position infinitely higher in popular estimation than at present, and would take rank as tribunals little inferior to those of assizes themselves. Thus improved, there would be no reason why their jurisdiction should not be considerably enlarged, and why they should not be empowered to deal with perjury, forgery, bigamy, abduction, concealment, burglary, &c., to the great relief of our circuits, the pressure upon which, from the number of assize offences, renders necessary that most inconvenient institution—a winter assize. With a jurisdiction so enlarged, such would be the relief to the circuits, that much more time could be devoted to the civil business upon them, and so, that rush of causes to London, which is now found to be an evil of serious magnitude, would be greatly mitigated, if not entirely removed.

I will now draw attention to the other class of courts, namely, Courts of Petty Sessions. I have before alluded to the vast jurisdiction possessed by justices sitting in these courts—a jurisdiction under which they annually send to prison nearly a hundred thousand

persons, and impose fines upon nearly a quarter of a million of their fellow men. But who are the judges to whom is committed such vast and varied powers? In counties they are the county gentry, frequently including beneficed clergymen; in municipal boroughs, which have a separate Commission of the Peace, they are usually inhabitants who have made themselves conspicuous by their activity in social or political life, often selected from amongst the professional and trading classes, never, however (except in the case of his being mayor) including an attorney. If in the case of County Quarter Sessions, the absence of legal knowledge is to be deplored, it is infinitely more to be regretted in our Courts of Petty Sessions, where the business to be transacted is of a more varied character, where the responsibility falls more heavily upon the justices themselves, and where for the most part the corrective influence of great publicity is unrecognised and unfelt. That such a system is radically wrong is really admitted by the Legislature itself, by its establishing in the metropolis a body of police magistrates, and providing in some of our large towns and populous districts stipendiary magistrates, all of whom are required to be barristers of a certain number of years' standing. Questions of no greater magnitude for summary adjudication arise in London than in Bristol or Sheffield, nor can there be any reason why, if it is proper to have a stipendiary magistrate for an urban population, it should not be equally proper for a rural one. In the great majority of cases determinable upon summary conviction, the decision of the justices is final, it rarely occurring that any power of appeal is given against their determination. Indeed, so utterly unqualified are our justices in Courts of Petty Sessions for the duties imposed upon them that, but for the circumstance that there is a justices' clerk attached to each court, who is usually an attorney, they would in a great majority of cases be wholly at a loss how to dispense justice.

It is indeed the magistrates' clerk who is the life and soul of the tribunal, who practically decides all questions of evidence, and interprets Acts of Parliament, who informs the justices of their duties, advises them as to the judgments they should pronounce, and in effect is the real and only judge of the court. That such should be the case is a necessity of the present system. Knowing little or nothing of the rules of evidence, of the principles of law, of the maxims of jurisprudence, or of the Statute Law of the kingdom, the justices are necessarily thrown for information upon their clerk. It may be, as it usually is, that the clerk to the justices is a practising attorney, and in that event we have the best state of things compatible with the present system. But what is even that state? Instead of being, as his style imports, the subordinate of the justices, to carry out the details, and set and keep in working order the machinery of the court, he, in fact, becomes the head and chief of the court itself, not merely an officer to register its decrees, but the functionary who often decides what those decrees shall be. Nothing, indeed, can be more humiliating to the administration of justice than

that which is constantly witnessed in our Courts of Petty Sessions. A summons is being heard with reference to the breach of some Act of Parliament. The parties respectively are represented by counsel or attorneys. The justices have their attention called to the sections of the Statute which from their technicality they find themselves unable to construe, and so they seek the assistance of their clerk for his explanation and opinion. In the course of the hearing objections are taken by the advocates to the admission of certain evidence; here again the justices find themselves at a loss, and therefore have recourse to their clerk for his views. Presently cases decided by the superior courts, are quoted, and conflicting decisions are brought under consideration. Again the clerk is referred to, and again his opinion is taken and acted upon; and so, from first to last, throughout the inquiry, it is the justices' clerk who decides everything, and whose mind alone it is that exercises any independent judgment. When at length the case is ripe for decision, the bench will probably retire, ostensibly to consider their judgment, but really to learn the views of their clerk, and having satisfied themselves upon the subject, they return into court, and either deliver the judgment themselves or leave it to be pronounced by their clerk. Absurd as all this may appear to be, it is nevertheless a faithful description of what daily takes place in many of our Courts of Petty Sessions, where the justices are little better than automata, and where the clerk sits upon the bench with them, and directs and adjudicates upon all matters before them.

That such a system is little better than a *sham*, and that it fails to inspire the suitors, and the public with that respect for the administration of justice which all desire to witness is too obvious to be questioned.

That the magistrates are usually gentlemen of sense and understanding may well be admitted, though no one supposes that they are selected for their office for their possession of these qualities. But if sense and understanding be qualifications alone sufficient for the office of judge, wherefore employ the expensive talent which adorns the benches of Westminster Hall? Why not look out for sound-headed men alone for the posts of our superior judges? Multitudes of such may be found willing to fill them at a tenth of the cost of the present possessors. But in truth the system is indefensible, and most anomalous. Law is a science, and that law which is administered summarily by justices is as much such, as that which comes under the cognizance of our superior judges; and if it be wise to employ skilled professors of that science in the one case, it must be equally wise to employ them in the other.

In what way, however, can these defects be remedied? The County Courts, established for the decision of civil disputes, furnish a precedent upon the subject, which can be easily followed. I would suggest that stipendiary magistrates should be appointed throughout the country to preside at the various Petty Sessions. A certain number of Petty Sessional divisions could be grouped

together so as to form a circuit. Eight or ten such divisions would comprise a fair circuit, and would form a very large district, and in each of these a Petty Sessions could be held so that a court should sit at least once a fortnight. At the present day Petty Sessions are held in very many divisions only once a month, whilst in others they are held weekly, and in large towns often daily. No difficulty, however, need arise in this particular, as the circuits could be arranged in accordance with the business likely to arise, whilst in large towns, such as Bristol, a stipendiary magistrate could and should be appointed exclusively for the business arising there. To each circuit a stipendiary magistrate should be appointed, who should be a barrister of a certain number of years' standing. This functionary should possess all the powers now exercised by justices sitting at Petty Sessions—the justices in their respective divisions still retaining all the powers they now exercise out of sessions, and also retaining their present jurisdiction over all matters to be dealt with at special sessions. Under such a system, efficient, accomplished, and practised lawyers would be appointed, who, on given days, would be in attendance at the various Courts of Petty Sessions in their respective circuits (as the County Court judges now attend their own courts) ready to dispose of all the business which would be ripe for hearing.

In conclusion I desire to say that I trust that from the remarks I have made it will not be supposed that I have intended to cast any slur upon the honour, intelligence, and character of the justices of the peace of this country. In performing the very difficult and onerous duties cast upon them by the Legislature, it is no fault of theirs that they are required to exercise functions for which they are ill-adapted, but for the performance of which no other provision has been made. To them, as a body, we are greatly indebted for justice impartially and honestly administered, and if the mode of administering that justice has lagged behind the advanced intelligence of the age, and still partakes of the roughness of a bygone period, it is yet due to this great body of public functionaries to acknowledge the great advantages they have conferred upon the country.

On the Bill to Amend the Law with respect to the Property of Married Women.—By ALFRED HILL, Registrar in Bankruptcy.

THE question has greatly altered its position within the last twelve months. The Bill having passed the House of Commons, and the second reading in the Lords, its principle may be looked upon as adopted by the legislature, and now matters of detail only remain for consideration. These, however, are of much importance, and it behoves the promoters to make the Bill as just and as practically useful as possible. Indeed, the passing of the measure next session

will greatly depend upon the state in which it is introduced into Parliament.

The Bill applies to existing as well as to future marriages. Probably a more perfect law might have been constructed had the complications arising from the dealing with vested rights been avoided, and after the passing of an Act for future marriages, the difficult task of adapting the law to existing interests without inflicting substantial injustice would have been much simplified. But in the present advanced state of the question the adoption of such a course cannot be expected.

The first clause gives a married woman the right to acquire and deal with property like a single woman, but with the remarkable restriction that, save by will, she is not to dispose of freehold or copyhold estate. Consequently a wife, whose property happens to be invested in freehold or copyhold land (even though she may have purchased it since the marriage), will live under an entirely different law from one whose investments are in stocks, shares, or even in leaseholds. And indeed the former might contract any amount of debts, keep her land, and set her creditors at defiance. Possibly some member of the Association will be able to throw light upon what appears to be the creation of a reasonless and mischievous anomaly.

Clauses four and five give to a woman married before the Act full rights over all property acquired, and earnings made after the passing of the Act. This is clearly in contravention of rights of the husband which have become legally vested, though I do not deny that the necessities of the case may justify this course, strong as it is. Clearly, however, so trenchant a step should be carefully guarded, so as to prevent as far as possible substantial injustice. Such safeguards, however, I do not find in the Bill.* A man may have paid or be liable for any amount of debts contracted by his wife before marriage, and yet she will take all property and earnings acquired after the passing of the Act free from any obligation to recoup her husband, or hold him harmless for his liabilities on her behalf.

The provisions of the Bill respecting the obligation to maintain children seem to be just, so far as those belonging to both parties are concerned, save that, in the unhappily frequent case of a man's running away from his family, the parish ought not to be allowed to throw the support of the children on his wife, until it is proved that every reasonable effort has been made to find the husband and bring him to justice. Even now parish authorities are far too lax in the performance of this duty. But there is no distinction as to the wife's children who are not her husband's. At present the liability to maintain them is upon the husband, but seeing that under the Bill the wife is to retain her own property and earnings, the maintenance of these children ought in justice to be placed primarily upon her.

*The proviso at the end of the fourth clause is practically of no effect.

In the case of existing marriages the Bill does not except those where settlements have been made. Considering that the law admits of the fullest latitude in providing for the enjoyment of property and earnings, &c., by settlement, it must be deemed that the parties, by executing such an instrument, have deliberately declared under what laws they wish to live. For the legislature to come in and alter this declared law is tantamount to a statutory interference with existing contracts. Indeed, it frequently happens that the husband or his relatives settle property of their own on the wife, in which case the present law giving to him her property and earnings must be deemed to be a part of the consideration for the settlement which the Bill is (very properly) careful to maintain. I am of course speaking of antenuptial settlements, or those made in pursuance of antenuptial contracts, not of voluntary settlements made subsequently to marriage. I would therefore propose that all existing marriages where the former class of settlements have been entered into should be excepted from the Bill.

The remaining points in which the Bill is defective are of less importance than the forgoing, but, unless they are provided for, the Bill will fail to establish a really just law of husband and wife. Most of them, it will be perceived, are abolitions of anomalies which have necessarily arisen out of the disabilities of wives under the present law, but which will be indefensible when those disabilities are removed.

The power to enter into antenuptial settlements containing restrictions on anticipation is wisely retained, even to the extent of protecting the wife against her creditors. I would suggest, however, that such settlements should be registered like bills of sale, so that persons dealing with wives protected by them might have fair warning; also that common morality demands that this protection should not extend to debts arising out of tort, fraud, or breach of trust committed by the wife.

Marriage is now a valuable consideration, *i.e.*, conveyances made upon it are in the same legal position as those made upon a payment of full value, being protected against the claims of creditors. Under this provision men in a state of insolvency frequently settle their property upon women whom they are about to marry, and thus defraud their creditors. As under the Bill the wife is to retain her property and rights, the reason of the old law fails, I would therefore propose that marriage should be reduced from a valuable to a good consideration, which is not valid against creditors of a seller insolvent when he made the settlement.

As the law stands in proceedings between husband and wife in the Divorce and Matrimonial Court, the husband is bound to pay all costs, and also allow the wife alimony (allowance for subsistence) during the pendency of the suit, whatever may be its result. This rule is a necessary consequence of the husband's taking the wife's property and earnings, but it frequently acts with extreme harshness—a guilty wife continuing to defend a suit for the mere purpose

of obtaining alimony and putting her husband to cost—and under the new law the continuance of this rule would be grossly unjust. I would therefore propose that no alimony *pendente lite* should be payable save by the special order of the Court, and that the costs of this class of suits should follow the ordinary rule, and be paid by the losing party, unless where the Court ordered otherwise; but upon the decreeing of a divorce at the suit of the wife, the Court should retain its present power to order payment of permanent alimony.

With the exception of one or two minor points, with which it is needless to trouble the Association, I have discovered no further omissions in the Bill; probably however others may yet be found. At any rate it will be admitted that the measure should be carefully revised before being re-introduced into Parliament.

MISCELLANEOUS.

A paper by Mr. TITO PAGLIARDINI, "On the Land Laws of Europe," was read, of which the following formed a part:—Yet is there no principle already in practice which might combine, if applied to agriculture, the advantages of the large farm system prevalent in England, with the advantages of the small farm, or peasant-proprietorship of France, thus eliminating the vital defects of each? Could not the principle so beneficially in use in all works on a grand scale, such as railroads, water and gas works, insurance and fire offices, &c., be applied with equal advantage to agriculture? What is there so peculiar in land employed in corn-fields, pastures, and orchards, that the same principle should not be applied to it, that is, with universal consent, applied to land employed in railways,—that of a *de facto* collective and indivisible property made practically divisible and transferable by marketable shares? What I here propose then, to settle the land question once for all to the mutual advantage of landowners, farmers, and labourers, is, that farms of from 5000 to 6000 acres should be established in Ireland, under the management of an agricultural committee composed of experienced farmers, horticulturists, and men of science; and further, that a number of transferrable shares representing one acre each (the pecuniary value being of course determined by local circumstances), should be delivered to the landowners in the same manner as railway or other shares, and entitling their bearers to a fixed preference rate of interest of 3 per cent., the present average rental value of an acre. These acre-shareholders would represent capital, and of course have the power of buying new stock, or selling partially or wholly the stock they possess, without in any way dividing or disturbing the estate itself. The conveyancing of land would be thus considerably simplified. They would, moreover, receive as a yearly dividend a proportional share of whatever profit might remain over, when salaries, wages, taxes, and other

necessary expenses were all paid. To raise sufficient capital for the first establishment, as for buildings, purchase of stock and seeds, &c., a limited number of debentures might, if necessary, be issued to the public, should the farmers' capital prove insufficient. Thus would be secured the advantages of a large indivisible farm, viz., irrigation and drainage, the reclaiming of waste lands, soiling, rotation of crops, oneness of direction, the use of the most approved instruments of tillage, the establishment of profitable running fishponds or lakes, unity and economy in the buildings, farmyards, stables, barns and granaries, the choice and purchase of the finest horses, cattle, sheep, and poultry for breeding, and of pure and unadulterated seeds for sowing, &c., together with every facility for collecting, classifying, and distributing the manure, both liquid and solid, ere it has lost its fertilising properties, and the consequent increase in the vegetative powers of the land, for the *humus* or vegetable mould, the food as well as the product of organic life, is well known to increase in proportion to the number of living creatures feeding on the land, and a complete system of rotation of crops such as can only be carried out on a large farm, would profitably maintain a far larger quantity of live stock, than the best natural pastures. This would not only enrich the shareholders, but admit of the whole labouring population enjoying a plentiful supply of animal as well as of vegetable food, and increase their working capabilities; the absence of enclosures necessary in the piece-meal system of cultivation would perhaps constitute a negative profit of no small importance; and every plot of ground being carefully analysed and improved, and only devoted to the cultivation of that produce to which the nature of the soil is best adapted, every square foot would be made to give forth its maximum in quantity and in quality. From the unity of direction, the full force of all the hands engaged in so large a farm could always be brought to bear on those works which at different periods of the year most require them, and this united force might, in combination with those of neighbouring farms, be profitably employed, when the ordinary farming business is comparatively slack, in such great works as are generally impracticable for individuals, as *eg.* the general drainage and irrigation of a whole district. Of course the farms might be made larger or smaller than the one here proposed; but in the smaller, the advantages above enumerated of soiling, rotation of crops, &c., would be comparatively smaller also, and the larger might be found less easily manageable. But to superadd to the advantages of the "*grande culture*" those of the "*petite culture*," or peasant proprietorship, viz., a personal interest in the farm, and the consequent development of energy in its cultivation, the peasant or labourer should be associated with the capitalist. As the latter receives, besides the just wages of his capital, in the form of a mixed interest, a share in the net profits proportionate to that interest; so the former should, besides his present average wages of 20*l.* or 30*l.* a year for sixty hours labour per week (a poor remuneration indeed!) be entitled to a similar share in the net

profits proportionate to the wages he has earned, which wages may be considered as the interest of his capital. Moreover, any one remarkable for energy or skill, and all the active members of the farming committee should also receive a share in the net profits proportionate to their salary, as the reward of their talent or skill. Thus, the three essential and indivisible elements of production—capital, labour, and talent—would fraternally participate in the profits accruing from their combined agency, each in proportion to its co-operation; and union would be substituted for that antagonism which has ever existed, and ever will exist between them, taking the disastrous forms of strikes and lock-outs, until they are associated, but which has never taken so alarming a form as lately, since labour has organised itself into such vast associations against capital.

MR. THOMAS SHERWOOD SMITH read a paper “On certain Defects in the County Courts.” In the course of this paper, he said: One of the objects of this Association being the improvement of the law and its administration, the writer avails himself of the opportunity it affords of making known a very serious defect in the law of County Courts. In October, 1868, an action was brought in the County Court to recover 40*l.* damages, alleged to have been sustained by the plaintiff through the defendant falsely representing the report of a referee as to a tenant’s responsibility. On the trial the plaintiff denied that the language the defendant alleged he had quoted as that of the referee was the language employed, but asserted that the words used were totally different. He also denied that he had levied a distress on the tenant’s goods for rent before it became due, or had authorised a distress. The tenant went away after the distraint without paying the rent. The referee, who up to the time of the trial had denied that he had ever seen the defendant in his life, in his evidence for the plaintiff admitted that the defendant had called upon him, and that he had used with reference to the tenant the identical words which the plaintiff had denied that the defendant had repeated to him. The defendant’s version was in part corroborated by his clerk, who had heard some of the words which the plaintiff had denied, and on this point the case hinged. The judge gave a verdict for the plaintiff on the ground that he believed him in preference to the defendant. Immediately after the trial, evidence was tendered to the defendant, proving that the plaintiff had sworn falsely with reference to the distress—a matter about which he could have had no doubt; and the defendant, considering that this should give the balance of testimony in his favour, acting by the advice of his solicitor, at once gave notice of an application for a new trial. At the hearing thereof the plaintiff’s counsel, not denying that the plaintiff had sworn falsely, maintained that it was on a point not material to the issue, and the judge agreeing therewith refused a new trial. The defendant then determined to appeal, but found that through moving

for a new trial, instead of appealing in the first instance, he had lost the right to appeal, and although the grievance had increased, all remedy was at an end. The questions raised by this case are very important; it shows an absolute power to be vested in a single judge which is fraught with serious danger to the community. Had the defendant in the case cited been a poor man, ruin, and probably a prison, would have awaited him. Public opinion condemns the judgment, but public opinion cannot reverse it. A judge as a man is liable to all the frailties, the passions, prejudices, and sufferings of humanity; he may become incompetent, physically, mentally, or morally, for so responsible a position; but the people, who had no voice in his appointment, have none in his recall, and for any individual to attempt his removal would be a task few indeed would like to undertake. If such an absolute power must be invested in a judge, the people who must submit to his decrees ought to be consulted in his appointment; but the writer regards such a power as at variance with the spirit of the constitution of this country, as well as opposed to the public weal. The poorest subject if aggrieved with the judgment of any court, ought to have the right to appeal to a higher one under any circumstances which may arise.

REPRESSION OF CRIME SECTION.

Can Infanticide be diminished by Legislative Enactment?
By EDWIN LANKESTER, M.D. F.R.S., Coroner for
Central Middlesex.

ALTHOUGH the crime of infanticide has lately excited so much attention, but few reliable statistics upon the subject have been published in this country. With the exception of my own annual reports I am not aware that any attempt has been made to ascertain the real extent of this crime in Great Britain. Although the inference has been made that this crime can hardly be confined to one district of the metropolis, objectors to this inference are not wanting, who deny that there is any proof that infanticide exists to the same extent in other parts of London, or in other parts of England, to which it exists in the central district of Middlesex. The average number of inquests in which verdicts of wilful murder have been given in the central district of Middlesex, in the case of newly-born children found dead in the streets, is seventy-one, or one in every 15,000 of the population. If infanticide were as frequent in all other parts of England and Wales, then the total number of children murdered would have been 1420. Now, the Secretary of

* See *Transactions*, 1867, pp. 529, 532.

State for the Home Department publishes every year a work called "Judicial Statistics," in which is included a return from all the coroners of the kingdom of the number of inquests they have held, and the verdicts returned. The first column in these returns is headed "Number of Verdicts of 'Wilful Murder' returned, where Inquests were held upon the bodies of Infants aged 1 year and under."

Now this column is undoubtedly intended to throw light on the subject of infanticide, and the sum of its information ought to give the number of cases of infanticide that occur every year throughout England and Wales. If we turn, then, to this sum for last year, we find it to be instead of the number 1420, which I had calculated, only 166, and this is about the number returned for the last six years. It would thus appear from these returns that the number of inquests held in the central district of Middlesex was nearly half as great as that in the whole country put together. It must be quite evident that this is not the case, and we must look further than this infanticide column of "Judicial Statistics" in order to ascertain the real state of the case.

With all deference to the coroners and juries in other parts of the country, I think there is serious reason to challenge these verdicts as not presenting anything like an accurate account of the number of children that have been murdered in the counties from which they have been returned. We can hardly suppose that in Lancashire, with its teeming population, that, independent of Liverpool, there should be only two cases of infanticide in the whole county; that in Staffordshire there should be only seven, and in Yorkshire only five. Yet these are the results given in the "Judicial Statistics" for 1868. It is scarcely possible but there must be a larger number of children wilfully made away with than here meets the eye. At the same time, the columns of the "Judicial Statistics" give no information; it is not even stated in the column already quoted whether the children, on which verdicts of "wilful murder" have been returned, are newly-born children.

The information is all summed up under the heading of children under one year of age. Again I have to fall back on my own experience, and to say that the cases to which I have applied the term Infanticide are the cases of newly-born children. Here, again, I must infer, from my own experience, that almost the whole of the 166 cases given in "Judicial Statistics" are those of newly-born children.

But supposing there are an equal number of children found dead in the streets of the large towns of England, as in London, there must and ought to be inquests held upon them. If so, is there any column of these tables from which we can dig up a record of their numbers. Now it so happens that there is a column in these "Statistics," which is a sort of refuge for the destitute, and that is a column for verdicts of "found dead." Now this does not refer to

persons found dead, for in the majority of these cases other verdicts are returned. This column, in fact, includes all those cases where the jury is at a loss to come to a conclusion, and therefore delivers an open verdict. Is it then probable that our murdered infants are here, or that the infants which would have had verdicts of "wilful murder" in Central Middlesex obtain a verdict of "found dead" in other parts of the kingdom I think this so probable that I wish to put before you the facts on which my opinion rests.

If, for instance, we take the returns of verdicts of "wilful murder" of infants, and of verdicts of "found dead" in Middlesex, we shall find that where the verdicts of "wilful murder" are largest, there the verdicts of found dead are least.

The following table, taken from the "Judicial Statistics" of 1866, will shew this:—

	Found Dead.	Wilful Murder.
Eastern Division of Middlesex	96	0
Western Division of Middlesex	26	12
Central Division of Middlesex	9	71
Duchy of Lancaster	6	1
City of London	8	2
Westminster	28	8

It will be seen very clearly from this table that where the verdicts of "found dead" are least, there the verdicts of "wilful murder" are most, and *vice versa*. It is from this table that I think we may clearly gather that the great number of verdicts of "found dead" are delivered in the cases of children found dead under the same circumstances as those in which verdicts of wilful murder are delivered in Central Middlesex.

If this be the case, then we may apply this test to all the cases in which verdicts of found dead are recorded throughout the counties of England and Wales. If we turn now to the summary of verdicts of found dead in England and Wales, we shall find they amount to the large number of 2824.

We must not, however, put down all these as newly-born infants found dead in the streets, but we may take the Central Middlesex figures and discover, then, an approximation to the number of these cases in which verdicts of wilful murder might reasonably have been returned, and which will give an approximation to the real amount of destruction of newly-born infant life in England and Wales.

Taking the returns above given, it will be seen that there were seventy-one verdicts of "wilful murder," and nine verdicts of "found dead." Amongst the latter there was only one newly-born child, the other eight cases being persons above the age of newly-born. This would give a proportion of 10 per cent. of persons not newly-born as having been found dead in Central Middlesex. Now, supposing that

in the other counties of England and Wales the same proportion of persons held good, it would give the number of newly-born children found dead and unclaimed, as above 2500. Reduce the numbers by 20 per cent. to allow for accidents in other counties not known in Central Middlesex, and you still have a number exceeding 2000. This is a startling result, for if the data I have put forward can in any manner be relied on, it reveals the astounding fact that the crime of destroying newly-born children is more common in other parts of the country than in Middlesex.

Whether my conclusions be sound or not, the subject is one that invites further inquiry. At any rate it seems to me to point to the necessity of an improvement in the details of the information supplied for the "Judicial Statistics" by the Coroners of England and Wales. Those returns might easily be extended, and the information gathered rendered more useful: but, for the purpose of ascertaining the amount of crime involved in the abandonment of newly-born children, it would only be necessary to add a column for the purpose of including the number of inquests held on newly-born children independent of the verdict returned.

As throwing light on the extent and nature of infanticide, it would be a decided improvement in the value of these tables if the ages of the persons on whom inquests are held were inserted in all cases. I have confined myself to this one point in my paper, as I hope that through the exertions of this Association the change which I have suggested in the returns of the Home Secretary may be shortly effected.

Mr. HERBERT A. SAFFORD also read a paper on the question, in the course of which he observed that wilful murder of children by their own mothers, seems in our large towns to have become a matter of course, and creates no surprise. Our public press, beyond an occasional notice deploring the growth of infanticide, has done little to point out the evil, and less towards suggesting a remedy. What has been done, towards remedying this great evil? There is one foundling hospital in London, the work of the noble Captain Coram. No other plan has been offered, or has since been put forward, than that of rendering the punishment on these unfortunate women more certain, together with the utterly impracticable idea of punishing the seducer under the criminal law. To a certain extent I agree with those who would make the punishment more certain, but this must be done by withdrawing from the women all excuse for the commission of the crime. Make what laws you will, if they are too harsh or severe, both judges and juries will somehow evade their execution. The better mode seems to be, to go back to the original causes of child-murder, and see if they cannot be prevented. We may fairly take it that the majority of the murdered are children of servants or young women in light employments. There is some cause beyond

the shame common to all, which induces these women to be the especial sinners against the sixth commandment. May we not trace it to this, that women so situated will not be able to procure employment for themselves while nursing their infants. This may be said to be a very poor inducement. But recollect, the woman would be confined at the workhouse; she might endeavour to obtain employment for herself, and then either have to resort to prostitution for her babe's support, or to starve both together, and be together buried in a pauper's grave. This is no mere possibility. It is too frequently the simple fact. It seems to me, that an Act of Parliament should be passed authorising charitable societies to receive illegitimate children and to proceed before a magistrate against both the fathers and mothers for their support. The societies should receive any pregnant single woman, and after her confinement endeavour to procure her employment. The children would be educated and placed out in life by the societies. The societies would proceed before the magistrates for an order upon any defaulting parent for such weekly sum as, having reference to his or her position, the magistrates should deem fair and reasonable. Should the order of the magistrates be neglected, the defaulter ought to be liable to imprisonment. The amount adjudged to be paid by one parent should be wholly independent of the sum to be paid by the other. The cry at once raised against this project is, "Oh, you would be encouraging immorality." I advisedly call it a cry, for it has little worth as an argument. A poor girl is restored to her occupation, a child is rescued from death, the mother has to pay a weekly penalty for her sin. Is this an encouragement to immorality? But what of the father? This:—the society proceeding against him, will have more chance of procuring an order than the young woman, who, without friends, cannot get legal advice, and scarce knows what evidence to procure. The more innocent the woman, the less chance frequently of her getting an order. She has generally been too trustful in the honour of her dishonourable lover. But admitting—what I do not admit—that the society might in some cases encourage immorality, which do you prefer, murder or unchastity? Facts, however, are stronger than argument, and I am glad to state that from the returns I have from the Home of Compassion at Oxford, managed by an English sisterhood, who have devoted their own money largely to this work, not more than 5 per cent. of the mothers so assisted relapse into evil courses. The managers of the Home, however, express a strong desire to enforce by law the sums agreed to be paid. It is satisfactory to learn that about three-fourths, and especially those in domestic service, pay with fair regularity. The "Refuge for deserted mothers and Homes for their infants," under the management of Mrs. Maine, has issued reports from time to time confirming in a great degree the reports of the Home of Compassion. I therefore think the governmental recognition of these Homes will do much to increase their numbers, and thus infanticide will be greatly without

excuse. One other matter on which legislation appears to be necessary, is that all nurses of these children should be registered, and be compelled to register each child received by them. If any system of inspection by the Medical Officers of the Union could be devised, so much the better.

Mrs. MAINE (Superintendent of the Infants' Home, Great Coram Street), in a paper on the subject, said that nothing would "prevent infanticide, although much might be done to diminish it. She had spoken with not less than 1600 young women either before or after child-birth, and learnt much of their minds, desires, and positions. These women were often overwhelmed with shame and despair. Forsaken, homeless, friendless, starving, she believed they were often, in the truest sense, insane. She had sheltered many who came to her with poison in their pockets. Infanticide was very often the result of the friendless and deserted condition of the mother. She could bear testimony to 900 mothers who had nourished and cherished their little ones, and had contributed, out of small wages, a large portion to assist in maintaining them; and she believed that homes quietly carried on would accomplish beneficial results. She received young women from workhouses, refuges, and unions. With regard to the disposal of the children, many died, many returned to friends after the anger was passed, many were adopted by ladies, who had no children, and were well provided for.

DISCUSSION.

The CHAIRMAN:—I have no doubt that, although the subject is attended with great difficulty, the time has come when capital offences ought to be to a certain extent classified. I dare say that many of you know that that was the recommendation of the Capital Punishment Commission which sat some time ago; but before that time and since, I have always felt that it is impossible to place crimes, such as that of murder, in its different ramifications, all under one category. When we come to infanticide, no doubt very great difficulties attend the question. On the other hand we find that if there can be any extenuating or mitigating circumstances in the crime of murder, probably it is to be found in the offence of infanticide. But I shall hear, doubtless, and I am prepared to admit, the force of the observation, that infant life, unprotected as it is, or without the power of protecting itself—ought to be held quite as sacred as that of an adult person.

Dr. LANKESTER, F.R.S.: Two of the papers we have heard have not met the question from a legislative point of view. The question, I think, ought to be embraced in all its aspects; and regarding the point whether or not the law can be mended, by way of addition, I desire to read two or three clauses of the Prussian law on the subject. That law is expressed in the following terms:—"Whoever buries or otherwise disposes of a dead body without the knowledge of the magistrate is liable to a fine of 200 dollars (30*l.*) or to imprisonment for not more than six months. If a mother bury or dispose of the dead body of her illegitimate child without the permission of the magistrate, she is liable to imprisonment for not more than two years. Whoever has been present at a birth, or has found a new-born child, and has not given due notice thereof, as agreed by the civil code within the time appointed, shall be punished by a fine of

100 dollars (15*l.*) or by imprisonment for not more than six months. If a mother intentionally kill her child, either during or immediately after its birth, she shall be punished for the infanticide by imprisonment in the bridewell for from five to twenty years. If the child has been intentionally killed by any person other than the mother, or if any other person has assisted in the crime, then the ordinary statutes against murder, homicide, or participation in such crimes, become applicable." There is another clause with regard to abortion, but we will leave that out of the discussion.

The CHAIRMAN observed that there were two points for discussion: first, how far, by other legislation or by the establishment of societies, women might be induced not to commit the crime; and secondly, how far, when the offence has been committed, the extenuating circumstances should be considered so as to enable them not to deal too harshly with the offence.

MR. BARWICK BAKER.—I honestly confess that the proper place, if it was properly managed, and rather different from what it is now, for the reception of these unfortunate women is the workhouse. Let every means be adopted to find out the father. This is difficult work. We do not profess that all our laws are perfect; but we must make them as efficient as we can. We must use the means we have, and any better that can be suggested, to find the father. Then I would have it clearly understood that the child should be entirely separated from its father and mother and brought up as the child of the State, with a payment from the father and the mother, not for the cost of that particular child, but for the maintenance of the children of the State; and whether the child lived or died, that payment should be continued for a certain number of years, until the child should be of an age to maintain itself. Such an arrangement would give scope for one point upon which I feel very strongly. We must all desire to remove an objection to many of our laws to the effect that they do not apply equally to the rich and the poor. In the present case the poor man should not be called upon to pay so much as the rich man. The father, when he could be discovered, and the mother should be ordered to make a small payment, say 6*d.* a week, or 9*d.* or a 1*s.* a week, or other sums that the woman would be able to pay, with some inconvenience to herself, but not with a fatal clog round her neck that would drag her down to misery. I do not like creating commiseration unnecessarily; but in some cases we cannot but feel for a poor creature overwhelmed with shame, knowing that for the whole of her life—that is for the next sixteen or seventeen years, which, in her appreciation at any rate, is equivalent to all her life—she will have a heavier payment to make out of her wages than she will be able to bear. Now I want to do away with that feeling of pity and commiseration. But if a woman is driven to desperation by the burden which she sees she will have to bear, and she kills her child, we can hardly help having more or less pity for her. If, however, she should kill her child to save her paying 6*d.* or 9*d.* a week, there can be no commiseration; no jury, not even the meekest-minded philanthropist, could feel any commiseration for a woman under such circumstances. Then the father would have to pay according to his means. If Hodge, the carter, if he go wrong, will have to pay his 1*s.* or 1*s.* 6*d.* per week; and the young squire, if he go wrong, will have to pay his 10*s.* or 1*l.* a week, and his money would go to make up the deficiency paid in respect of Hodge, the carter's child. All the children would be brought up together, and in the same manner. I believe that in this way a considerable sum might be raised to keep these unfortunate children off the rates. I should certainly prefer the boarding-out system, which I am thankful to find is being introduced into Bristol. But the children should all be brought up independently of their parents, that they might be no clog on the poor mother and not prevent her earning her bread honestly. And mind you, one 6*d.* or 9*d.* a week will be no great evil to her, but a second 6*d.* or 9*d.* a week, if she go wrong, will be a heavier pull, and a third payment will be heavier still; and yet in each case, if she destroy her child, it will only be for the sake of one 6*d.* or 9*d.* a week. So the squire might be able to pay 2*l.* or 5*l.* a year without feeling it very much; but if it went on several times it would become a very serious inconvenience. As Dr. Lankester has very justly said, there are three causes that lead, as he believes, very much to infanticide. The first is shame, and that I can say nothing against. I can offer no means of reducing the shame, and I would not if I could. But the two other

causes, one that the father's payment is not to be relied upon, and the other that the existence of the child diminishes the chance of marriage—are in my opinion more productive of infanticide than shame. Remedies for these might be provided by some such scheme as that set forth by Mr. Safford.

Dr. McMILLAN: The statistics which have been laid before us by Dr. Lankester have shown that the poor servant girl is generally the individual who murders her offspring; and they also show us that the putative father is generally in a much higher position than that of the poor servant girl. When a girl has found out that she is likely to become a parent, it certainly becomes society to place her in a position where she can get rid of her burden without much exposure, and without much loss of previous character, that she may have all the encouragement to lead a better life in future. It has been suggested that the workhouse is the most fit and proper place: but he objected to this course. The associations there, and the facilities for acquiring knowledge of crime are so great, that he said, avoid the workhouse as you would a pest-house. And before you have an improved workhouse you must have an improved poor law. Until that is done, we must accommodate ourselves to our present circumstances, and, instead of a workhouse, let us have an institution supported on the voluntary principle, in the way infirmaries are supported. Let us have a lying-in charity, where women can go and quietly get rid of their burden.

Colonel CHARLES RATCLIFF: The extent of this crime of infanticide in large towns is infinitely greater than probably the majority of those present are conscious of; and I should deeply regret, if houses such as those which have been suggested, should be established under the Legislature of this country, in order that women might enter them to conceal their shame, and find that no sooner had they given birth to children than they would be again restored back to society. Such a plan would render seduction far easier than it is at present. I visited only a short time since an institution at St. Petersburg. It is supported by the Government, and I believe there are upwards of 3000 children in it. All that the mother has to do is to take her child to the house, ring the bell, and the child is received without any questions being asked. A tablet is put round its neck, and the number is given to the mother, who, if she chooses, some years hence may go and claim the child. All she has to do is to remember the number. But what is the case in these countries? We certainly do not find child-murder carried on to so great an extent, but we find licentiousness prevailing to a woeful degree. In Spain, I found similar institutions in the large towns, where the children were admitted in a similar manner. What we have to do, is not to meet this matter merely with a sympathetic feeling, but to endeavour to bring down censure on the man. Now, such a man ought to be subject to a penal chastisement, which would, I am persuaded, prevent the commission of an enormous amount of this kind of crime. I know of no other means of effecting this end, for neither hospitals or any other houses for the reception of women or their children, nor the extending of sympathy towards them will prevent or diminish the amount of crime. I do not think the proposition of Dr. Lankester, that a woman should be punished for concealing her condition, would be very effectual, and it would be difficult to carry it out. But I do think that if the Legislature were to inflict a penal punishment on seducers, such a proceeding would have a very deterrent effect.

Mr. SANDERS (Recorder of Bath): The law affecting infanticide is at present very stringent. If a woman kills her child she is subject to the penalty of murder; but it is seldom or never inflicted. Juries who have this matter under consideration feel that the law is too stringent, and then they go to the other excess. Some years ago the Legislature found that it was utterly impossible to induce juries to bring in verdicts of wilful murder against women who it was supposed had murdered their offspring, and they, therefore, resorted to a medium course, to enable juries, when they found that the body of the child had been concealed, to bring in a verdict of concealing the birth, and upon that verdict a very severe punishment may be meted out—two years' imprisonment. In the course of my experience, extending over thirty years, I have rarely found the judges, themselves being far removed from the prejudices of society, that even they have, upon such a verdict, given the maximum punishment. The punishment has generally been three months or six months, and seldom exceeding nine months' imprisonment.

I do not think I have ever seen one woman in fifty sentenced to anything more than twelve months' imprisonment. These sentences are passed by judges removed from popular sympathy, and who deal with a criminal according to the criminal's deserts. Women who are guilty of concealment of birth do not, in my opinion, conceal their shame so much to avoid the burden of payment for their children. The young woman is generally in reputable service, and she keeps her condition secret from her mistress, in the hope that by removing the cause of her shame she may continue in that service. No doubt the crime of infanticide would be diminished if all women would declare the condition they might be in, but a woman hopes to conceal her condition up to the moment of birth, and then she hopes to conceal what has taken place for ever afterwards, and therefore she kills her child. What will remedial measures do under such circumstances? You could not send the woman to the workhouse, because nobody knows that she is in a condition requiring her to be sent there. As to a penal enactment for the father, it is difficult to get at him, because the law now very wisely says that there must be some confirmatory evidence. But recollect that ninety-nine orders of application out of 100 are not against wealthy men but against poor men. The wealthy man almost always makes some arrangement. Then you are seldom able to make an order against a poor man, for where one application succeeds half-a-dozen fail. This state of affairs might to some extent, but not wholly, be remedied by an alteration of the law. In cases of murder I think it should be competent to the jury to find a woman guilty of infanticide in the sense we understand it—of killing the child about the period of its birth; and in that case, perhaps, it would be proper to inflict upon her a larger measure of punishment than that now inflicted for the offence of concealment. But still after all you must allow the judge some latitude in this respect. When the judges find that a girl has been misled by another who cannot be touched, that she has got rid of her child to conceal her shame, that she is not a badly disposed woman and has an excellent character from her mistress, they award a small amount of punishment. Considerable and serious difficulties beset this subject, and I do not think the law can be very much improved. The present state of things is the result of a high state of society, and we must, to some extent, endure it. At any rate I cannot see any efficient means of remedying the evil.

The Rev. CHARLES BRITTAN thought that the less that was done by legislative enactment in this matter the better; for he could not see that by such means anything really could be done to check the evil. He also thought no good would be done by agitating the subject in public, and familiarising the minds of the people with the nature of the crime of infanticide. As to the statement of Dr. Lankester about the amount of infanticide in the country, he could only say that during the last eleven years in Bristol, with 172,000 inhabitants, there had not been, he believed, more than three or four cases of concealment of birth brought before the local tribunals, and respecting them, his opinion was that, if in any one case a verdict of murder had been returned, it would have been a most infamous outrage upon justice.

Dr. ELIZABETH BLACKWELL: I have had considerable experience with this class of women in New York. The first thing I would say is that it would be very injurious to enact any severe measures, for they would at once tend greatly to increase the crime of abortion. That is a tremendous evil on our side of the Atlantic. In the United States this evil is exciting great anxiety among the population, and obtaining the attention of the legislature. Applications are being made constantly for the production of that crime, and women are brought as constantly to abortionists in order to have that crime produced. I think in all legislative action it is very desirable to avoid promoting or stimulating the commission of that most deadly crime. I think infanticide in its evils is not to be compared with it. My second point is that great advantage arises from the establishment of private charities to meet the cases of these poor women. We have had in our hospital perhaps sixty or seventy a year. They are generally young girls, and we have in almost every case been able by kindly attention given to them in the hospital to save them from vice and to procure them employment afterwards. Then we have also an institution, originally started by women, in which young girls who have been unable to conceal their condition, are admitted a month or two before hand. We have done a great deal to help women to redeem their

character; and sometimes when they have left the institution their friends have taken them in. The idea these girls entertain of their shame is a tremendous one, and none but they can realise how horrible it is. By multiplying these institutions you provide for these women in some measure the advantages of a home, and by thus helping them you assist in preventing infanticide. I never knew a woman to be severely punished for infanticide in New York, and yet I believe the law there is similar to what it is in England.

MR. ASPLAND, (Manchester): I speak in the double capacity of medical man and magistrate. Having had some experience in these matters, and having heard some of Dr. Lankester's statements questioned sometimes, I am prepared on the whole to state that I believe he has not exaggerated the evil, alarming though it may appear. I speak further as the director of a cemetery, and my attention has been repeatedly drawn to very suspicious burials that take place there. My strong impression is that attention to the registration of stillborn children would have more effect in checking infanticide than any appeal to the sentimental feelings, or the establishment of hospitals for the reception of women. The medical officer in every suspected case of death should go to the house and make careful inquiries; and were it known by the public that this was to be the course of procedure in such cases, and if in establishing this system a public prosecutor were to be appointed, you would create machinery by which you would be able to deal with these people. I believe that a public prosecutor would be able to put an end to a great deal of licentiousness that is now going on. A gentleman proposed that there should be a penal enactment for heavily punishing the seducer. Now, every magistrate is aware of the extreme difficulty of dealing with cases where it is only a question of paying half-a-crown a week.

MR. COOKE TAYLOR said he had heard a good deal of how the crime was to be punished and repressed, but nothing as to how it was to be prevented. No one had tried to get at the source of the crime, though to his mind that source was not a difficult one to find. They had heard that the shame that falls on the mother of the child ought also to fall on the father, and other observations of a like character, but had any one told the section why it was that shame did fall on the mother of the child and not on its father? That was the question that was to be looked into in devising a remedy for the evil, and they must find the source of it. That source appeared to be this—the extraordinary education that was given to the female sex, and the singular position in which male and female were placed in relation the one to the other. A woman was educated confessedly and entirely for sentiments and feeling, and the man was educated for the world. A man, full of the knowledge of the world, necessarily rendered selfish by his training, having met a sentimental woman without the knowledge of the world, obtains influence over her, and the consequence was that the crime of infanticide became, he would not say a necessity, but a great social evil. The only way by which that crime could be ultimately diminished was by attacking the fundamental causes of it. Women must have a better education, and be made more independent. Were they more independent, had they more sources of livelihood opened to them, it was possible that they would be able to support their children instead of making away with them; and further, the crime would not be so rampant as it was, if women were better fitted for the world they live in. With regard to the establishment of hospitals he could not agree with those who opposed them. The woman fell from the path of virtue from causes over which she had comparatively no control, owing to her defective education, and everything should be done to relieve her, and smooth her way back to the path from which she had strayed. Every inducement should be given to her to return to it.

THE REV. MR. SULLIVAN remarked that the question before the section was whether by any means infanticide, or the crime of murder, could be prevented. The matter of shame was another and widely different thing. He thought they had made a mistake in introducing the benevolent question at all.

MRS. MEREDITH: I have been permitted to visit Brixton prison by the kindness of the Government. I must say at the outset I was unprepared for the extent of depravity and vice which I encountered amongst the women undergoing penal servitude in the prison. I gathered the women together, and became so familiar with them that I could almost point out every one of them and state the offence

for which she had been sent to prison. Many of them had killed more than one child. I discovered that there was a kind of sisterhood amongst them, they being very friendly with each other. I found a girl who became a mother at sixteen, and who was taught to kill her child. She fully understands the art, and would, in my opinion, practise it again if she had an opportunity. In fact, there are some women in the prison, whom I could name, who have quite a contempt for infant life, and who speak of their crimes with a kind of triumph, being the subject of no shame whatever. The older hands teach the young girls, and they consider it a mean thing to kill an infant in such a manner as to be found out. Some of the prisoners, however, are truly penitent, and they came to a mission in London with which I am connected, and they say that they have been entirely led to the perpetration of their crimes by the older women. We, therefore, ought to adopt some means to stop the communication between the younger and the older women; and if this could be done great good would be accomplished. Women who think nothing of killing children, ought in some way or other to be brought under the supervision of the police. Something also should be done to assist those who undergo short imprisonments when liberated. The older women when they come out are especially dangerous, for they indoctrinate young girls into the secrets they possess, and they are able to get a good living by their nefarious work. Then I have encountered cases in which children have been killed in the workhouse through the instrumentality of the old women there. I would recommend that some better means should be devised for getting at the experienced criminals. Much mischief is done by mixing the criminals old and young together at the prison, and also by sending young girls to the workhouse to be confined, because of the evil associations they formed there.

Dr. GREEN observed that the courts of law took a lenient view of the crime of infanticide, because it was remembered that the present law was harsh and cruel, and if carried out would send an unfortunate woman to public execution. This procedure, he contended was in harmony with public feeling on the subject. After a long experience in professional life he had come to the conclusion that no woman in a sound mind wilfully and deliberately destroyed her offspring. When children have been destroyed by their mother it had only been when she had been goaded on to desperation and hardly knew what she was doing. In the majority of instances, however, the child died simply because there was no one present to administer the aid which the circumstances required. There were certainly cases from time to time in which violence had been used, but in those cases he maintained that it was simply the result of the desperation of the moment, and the act was in point of law analogous to that of manslaughter, because it was done on the spur of the moment. The law should declare that infanticide was not punishable by death, in order that judges and juries, if a clear case of infanticide were brought before them might give an honest decision. If the law was now evaded it was because the punishment was too severe for the crime. The partner of a woman's transgression should be made to bear a portion of the punishment. An asylum ought to be provided for these poor women, because experience in Bristol had shown that such a course diminished infanticide. An institution should be erected to receive the illegitimate children, who should be provided for by a local rate or by any other means which could be devised. Justice should be tempered with mercy.

Miss CARPENTER: The real offender, the cause of the wretched condition of the woman and of the loss of the poor little child, escapes, and the feeling of society is not aroused against him. There ought to be equal feeling towards both parties. I believe from the few cases that have come under my own knowledge, that if there is Christian kindness towards the young woman who has unfortunately offended, she may be brought into a state of true penitence—into the condition of sinning no more. The influence of the workhouse however, upon those sent there, simply tends to their ruin. I certainly should not approve of foundling hospitals where the children might be sent and fetched away, without any knowledge of the manner of life the mother was leading. I agree with Mr. Baker that the workhouse is the proper place, but not such workhouses as exist at the present time. The general condition of such places is such that numberless evils spring from them. I believe industrial schools are chiefly necessary on that account. All the palliations of benevolent persons are owing to the condition of the workhouse.

Dr. LANKESTER, in reply, said: I will advert first to the workhouse. In my opinion it is the fear of the workhouse that sometimes induces women to conceal their state. In some cases if they could be induced to go to the workhouse, they might be spared the commission of their crimes; but at the present moment our workhouses are anything but tempting. The master of a workhouse ought to be a man of education and fine feelings, and ought to make everybody under his charge feel that he feels for their misery and suffering. But almost the contrary has been the case in our workhouses. The matron, too, should not be inferior to the master; she ought to be a person to whom these poor women may look for the greatest kindness and assistance. There is no doubt that society ought to see that the workhouse is conducted in such a way as that it shall not be a disgrace to their humanity. All present must be convinced that there is, in the first place, a great deal more to be done than mere legislation can effect. How is it that these girls thus become the victims of deceit? There must be some deficiency in their moral character. Then there must be something wrong in the fact that the woman is punished, and the man left alone. I think you ought to urge on the Legislature the necessity of making seduction a crime. If that were the case a man would hesitate before he broke the law. I do not agree with the Rev. Mr. Brittan that little or nothing can be done to prevent this crime. I would call his attention to the fact that in Bristol there were sixty-four cases of persons found, amongst whom, if my calculation is right, there were fifty new-born children. I feel much more sympathy with the remarks of the learned Recorder of Bath (Mr. Saunders). He seems to feel that the question is almost out of the hands of the Legislature or the Courts of Law, but I still think that if we had such a modification of the law as I recommended, and made something like the law prevailing in Prussia, we should be able more effectually to deal with infanticide, and we should not have those cases of which everybody has complained. I do think this session might commit itself to requesting the Legislature to abolish capital punishment for what is called infanticide. Then if you could prove the guilt by such laws as exist in Prussia, the offenders must be punished; for after all the guilt lies with them, for it is their hands that have been imbrued in the blood of the children. Look at these 2000 children that are murdered in a year, many of whom are only the second, or third, or fourth, which the same mother has put to death. I have been astounded by the statement of Mrs. Meredith, to the effect that women should systematically bear children to kill them. One woman in six who delivers herself in private dies as the result of her temerity. You ought to try to prevent this. I agree with Dr. Elizabeth Blackwell on this subject, that we ought not to be too severe. I need not refer at greater length to the remarks that have been made.

Mr. HERBERT SAFFORD: It is not very likely that I, having continual experience amongst criminals, should take a very sentimental view respecting them. I do not agree with the opinion that infanticide should not be punished capitally. If child-murder is so gross a crime, so dreadful, and so repugnant to the natural feelings of humanity; something beyond any other crime, then surely, if you have a right to retain capital punishment in any case, you have a right to carry it out in a case of that sort. I would give permission to the jury to find, as in France, a verdict of guilty of murder, with mitigating circumstances: and then you would leave to the judges, and properly so, the administration of the law to the particular case. I have the greatest objection to the present mode of tying the hands of the judges. You put a man in a responsible position; and yet you will not trust him with the powers that belong to his position. As to the question of punishing the seducer, that is a very good thing in theory, but I have very great doubt about the practice. Look at the position a man would be placed in if in the hands of a designing, abandoned woman. I am in favour of public institutions for the reception of unfortunate women, where they might be judiciously and kindly dealt with, and I would have these placed in the same position as the mother, for the purpose of enforcing a contribution from the father.

The CHAIRMAN remarked that Dr. Lankester had pointed out what he thought must appear to the section as the result of the discussion—that the law was too lenient, inasmuch as it was too severe. That meant that the law was too severe to be enforced. Juries, he thought, not having a sensational sympathy, but having

very properly a sympathy with the great difficulties under which women sometimes labour, when brought to this dilemma, give them the benefit of mercy, and acquit them altogether, or simply find them guilty of concealment of birth. Dr. Lankester's suggestion as to making the concealment of pregnancy an offence was not received with encouragement. That was a step which would no doubt be attended with considerable difficulty. But they found that Dr. Lankester concurred with the majority of the speakers in regard to the desirability of the establishment of asylums for the purpose of receiving pregnant women. He inclined to the opinion that such asylums should be made a portion of the county establishment; that is to say, that their offence, being not of such frequent occurrence as to require an institution like a workhouse in every parish, he thought an asylum in every county, after the manner of county lunatic asylums, might be safely introduced. Of course that should not be at all like the foundling hospitals of which Mr. Ratcliff had spoken; and an asylum for the reception of pregnant women, where they knew they would have to give a sum of money for the maintenance of their children, and have the certainty that they would be properly taken care of, would be a very different institution. As to the question whether it is possible to make the seducer liable to punishment, the Chairman observed that the law regarding this matter was extremely unsatisfactory. It was only by a sort of fiction that seduction was cognisable at all in our courts of justice. There might be as much criminality on the one side as on the other; but an artful man, with superior knowledge of the world, who seduced a girl, ought at all events to be made liable to fine or imprisonment for his offence. The suggestion as to the registration of still-born children was also a very valuable one, and it ought to be rigidly carried out. As to a remark which had been made respecting seducers, and the liability of a man's being a prey to a designing woman, he agreed that there might be cases of that sort, but he did not think they ought to be frightened or deterred from legislation by feelings of that kind. If they were of opinion that the man was the greatest offender, and the woman the weaker of the two, and that she was really very often tyrannised over and overpowered, he held that such a man ought to be made amenable to the law.

The following resolutions were agreed to:—

"That this section recommends that the punishment of death for infanticide by the mother at the time of birth be discontinued.

"That the registration of still-born infants be recommended to the Legislature.

"That it be recommended to the Home Secretary to publish in the coroner's judicial statistics the number of newly-born children found dead in the streets, on which inquests have been held."

Many of the members present were of opinion that asylums for the reception of pregnant single women would, to a certain extent, the crime of infanticide, and that such asylums should be established, and receive authority from the State to proceed against parents for the maintenance of the children.

PUBLIC PROSECUTION.

What is the most expedient mode of introducing into England a system of Public Prosecution? By Mr. SERJEANT PULLING.

THE necessity of at once establishing some system of public prosecution in lieu of the system, or rather the practice, at present prevailing in this country may be assumed. Our system is this—In

* See *Transactions*, 1864, p. 156.

theory all prosecutions for criminal offences are on behalf of the Crown as representing the whole community, but in practice there is little more official interference in criminal proceedings than in ordinary litigation between private individuals. In case of offences directly affecting the Queen herself or her Government, Her Majesty's Attorney-General is called upon to set the law in motion, and in the case of great outrages of any kind, where there is a sort of clamour for the interference of the law officers of the Crown, the Attorney-General or his subordinates are usually instructed by the Government to conduct the proceedings. In matters, too, within the immediate province of the several departments of the public service, as the Mint, the Treasury, the Admiralty, the War Office, the Board of Trade, the Customs, the Inland Revenue, the Post Office, &c., the duty of prosecuting devolves on the solicitors and counsel of these various departments; but with these exceptions the business of prosecuting criminal offenders is left to volunteers—to those who are more directly affected by the outrage perpetrated—such volunteers being at liberty to act without the aid of attorney or counsel, in which case they are not allowed to do more than give their own evidence on oath with the aid of or by counsel fully instructed and empowered to act as advocates on the part of the prosecutor. The evils arising from this anomalous state of things are very serious. Hardly any one of the regulations for the conduct of prosecutions which are now in force can be relied on as efficacious for the single object for which they exist. Certainly the general result is altogether a failure. The duty of prosecuting offences of a political character, or merely affecting the public revenue or special departments of general or local government, is one which is wholly in the discretion of these departments to carry out, and even if exercised on a uniform principle is inevitably defective. Such proceedings are rarely popular, being regarded as altogether exceptional, and emanating rather from a department tenacious of its own privileges than from the whole community. There is also this further inconvenience, that if, after the institution of prosecutions of this character, the offence committed, on investigation is found, not sufficiently to come within the immediate province of the department which may have commenced the prosecution, the official proceedings are usually abandoned, and any subsequent prosecution becomes a mere matter of accident.

In the case of prosecutions not originating in the manner already referred to, and which may be properly designated as ordinary prosecutions, though the duty of prosecutor is looked upon as one of a fiduciary character, the abuse of which in some cases constitutes in itself a criminal offence, yet the laws which regulate the discharge of this duty are so loose, and the shortcomings, irregularities, and malpractices of those on whom the duties of prosecuting legally devolve, are so notorious, that the public is practically altogether without security that criminal offences will be prosecuted at all, or that in the conduct of the prosecution the private interests of those on whom the duty falls will not altogether prevail against the general

interest of the community ; that as much wrong will not in any case be done by such prosecutions as by leaving offenders alone. The great repugnance of the majority of people to appear in the character of prosecutors at all ; the dread of an action for malicious prosecution (a class of actions generally forming an important programme of business of a section of the legal profession) ; the amount of ill-feeling which almost every private prosecutor has to encounter from the friends or allies of the person accused, and a number of other circumstances combine at present to prevent responsible persons undertaking criminal prosecutions in any case where due regard to their own interests does not make the task inevitable. If we look to the indemnity in the shape of costs which the law affords to those who undertake prosecutions, we find little compensation to the *bonâ fide* prosecutor, whilst the allowance too often serves to encourage the lower class of legal practitioners and the worst portion of the police to promote cases which ought never to have been prosecuted. Hardly a quarter sessions or assizes pass without these circumstances being forced on the attention of the public, the result being that whilst it is quite practicable for the worst class of criminals to escape by the favour, treachery, or corruption of those who undertake to prosecute, we every day see outrages against the law perpetrated with impunity, from the well-founded assurance that no prosecution will follow. On the other hand we hear of prosecutions and threats of prosecutions which originate only in private malice, a spirit of oppression, or schemes of extortion—proceedings that, whatever the immediate result may be, bring with them evils of the worst character—private suffering, loss, and ruin, wholly undeserved ; encouragement to the extortioner and the unprincipled at the expense of the incautious, the timid, or the scrupulous ; and a general want of confidence in our system of justice.

These observations are not made without reason. For the injured suppliant for justice, man or woman, without money or influence, but far worse than that, without character or reputation, the protection against outrage, robbery, or extortion afforded by our present system of criminal prosecutions is too often a bitter mockery. The miserable prosecutor in such a case has to undergo, in addition to the ordinary anxiety and trouble of a public accuser, the persecution of those who are interested in behalf of the accused, and, to the disgrace of our courts of justice, too often a sort of martyrdom in the witness box, inculcating most effectually among the already abject and degraded that it is more to their immediate interest to league with the criminal than to take a part in his prosecution. The daily reports of our police and criminal courts leave no room to doubt this, or the protection which our present system affords to malefactors of every shade of infamy. The amount of tyranny thus legally allowed to be exercised over the timid, the scrupulous, the honest dissentient from illegal schemes of combination, or the victim of schemes to extort money by threats of a criminal prosecution—the amount of private suffering, crime, and wrong which it

causes, it is not easy to exaggerate. The practice thus adopted in England with regard to prosecutions for criminal offences has been over and over again condemned after full inquiry and consideration by the best informed men sitting on Parliamentary Committees or under Royal Commission expressly appointed for the purpose, dealing with facts and opinions gathered from experienced officials, or from private persons well qualified to assist in the inquiry. Our system, indeed, has been condemned by enlightened men of all classes who have given thought to the subject since the question of a public prosecutor was first mooted. Both in Ireland and in Scotland the public prosecutor is a regular institution, forming as essentially a part of the system of administering justice as the judge or the jury. This is based on the principle that as all prosecutions are instituted on behalf of the whole community, their conduct legitimately falls on the State, acting by competent responsible officers, and ought not to be left to the capricious interference of private individuals.

The anomaly thus avoided in two portions of the United Kingdom here in England still prevails, with small advantage to us in any way, and, as I shall presently point out, with anything but advantage even in a mere financial point of view. This anomaly seems to a great extent to be an innovation on our older institutions. In ancient times the law officers of the Crown in this country seem to have been far more regularly called in to prosecute criminal cases than at this day : and we are all familiar with the ceremony even now observed at our criminal trials after the prisoner is given in charge. Solemn proclamation is made by the crier of the Court that "If any one can inform my Lords the Queen's Justices, the Queen's Attorney-General, or the Queen's Serjeant, of any treasons, murders, felonies, or other misdemeanours done or committed by the prisoners at the bar, or either of them, let him come forward, and he shall be heard, for the prisoners stand upon their deliverance." It is needless to say that any informer coming forward at this day in answer to this invitation would stand at good chance of being rebuked by the judge, if not of being committed. Many institutions of ancient date remind us that our forefathers were alive to the necessity of a real system of prosecuting criminal offenders. The duty of presentment by the Grand Jury of the county, or the Inquest of the Leet, of offences against the law, served in some degree to render the expedient of prosecution by private persons unnecessary. Before these older institutions became altogether obsolete, as they now are, there existed numerous other provisions for inciting to the prosecution and conviction of criminal offenders. The old Anglo-Saxon principle, which compelled the inhabitants of every district in which crimes were committed to compensate the party injured, made it to some extent the interest of all to bring offenders to justice. The old institution of *hue and cry* was entirely in unison with this : so was the feudal principle which declared the felons' property forfeited : and the Statute Law from the time of the Revo-

lution of 1689 to 1827 giving direct rewards to prosecutors who pursued criminals to conviction : but all these were in their turn found defective. Abuses having been detected they were put an end to, but unhappily no better system was provided in their place. A more just rule, originally introduced in 1752 by the 25 Geo. II. c. 36, authorized the allowance out of the public funds of compensation to the prosecutor for his legal and other expenses and loss of time. A number of Statutes subsequently extended this compensation also to witnesses in criminal prosecutions; and by regulations commenced in 1836, and fully carried out ten years afterwards, the allowance for expenses of prosecutions is now charged on the State, instead of, as it was before, on the county funds.

I state these facts, not as giving much new information, but as important to bear in mind in considering the best mode of amending our present system of prosecutions. The expenses of prosecutions are still in the first instance allowed and paid out of the county rates. The scale materially varies in different counties, and the State revenue, on which the whole amount ultimately falls, is now charged with a very large annual sum. This allowance now amounts to 150,000*l.* a year; occasionally it has far exceeded this sum, the expenses of 1849 being returned at 457,213*l.* If even to the smaller amount we add the expenses, directly or indirectly falling on the community, for the cost of prosecution by different departments of the public service, by municipal corporations and local boards, by railway and other public companies, by associations for suppressing crime and preventing fraud, &c., it is hardly possible to fix the annual cost to the community at a sum total below the larger amount, or very near 500,000*l.* a year. Of the above large sums now annually expended in prosecutions, not one-half goes towards the compensation of individual prosecutors or their witnesses for loss of time, travelling expenses, &c. The remainder it will be found on carefully examining the returns, goes directly in what are usually called *law expenses*, the costs and fees of attorneys, counsel, agents, &c., and of fees of various kinds. It does not require very elaborate calculation to show that the expense thus incurred on the part of the country in the prosecution of crime is far greater than could possibly be required under a thoroughly efficient system of public prosecutor.

The only scheme for a public prosecutor yet submitted to Parliament was that promoted by the late Mr. J. G. Phillimore, who by his Bill, introduced into the House of Commons in 1855, proposed the division of the whole country into districts, with a public prosecutor and a permanent staff of officers for each district. Mr. Phillimore's scheme has been objected to as too elaborate. He proposed the establishment of a great number of offices, and the appointment of a great number of officers to carry it out—public prosecutors, assistant public prosecutors, deputy assistant public prosecutors, district agents, and barristers—and the cost of all this would have been very great. I cannot help thinking the in-

convenience would have been greater. The principle, however, of Mr. Phillimore's scheme I believe to be the right one. No effectual system for the prosecution of offences against the community can be established without the appointment of competent and responsible officers, with a sufficient staff to carry the law into effect in all cases, without favour or distinction. The public prosecutor should be free from any bias to divert him from this great duty. The chief of the public prosecutor's department in any district should hold such a position that not only the complete performance of his duty, fearless of all consequences, might be relied on, but the entire confidence of the whole community could be ensured. Acting therefore on this principle I would divide the whole of England and Wales into districts for the business of prosecution. I would propose that a certain number of officers should be appointed, invested within their several districts with the full power of the Attorney-General; and that on these officers, designated, say as District Attorney-Generals, should devolve within their districts the duties of public prosecutor; that in each district a sufficient staff of subordinate officers should be appointed to discharge, under the direction of the District Attorney-General, all the duties now usually devolving on the attorney for the prosecution. I believe that assuming the larger counties to require each of them one such establishment, and the smaller counties to be capable of being united for the purpose, all England and Wales might be most conveniently divided into twenty districts: that an efficient staff might be formed for each district by the appointment of from ten to twenty competent persons in the various towns of the district really experienced in criminal proceedings, as attorneys or attorney's clerks; and that the whole cost to the country need not exceed 5000*l.* a year for each district, or 100,000*l.* a year for the whole of England and Wales—a sum which it will be seen by the figures already given is now not more than half the amount at which the community is at this moment taxed for the same object, so inefficiently carried out.

It is quite unnecessary for the working of such a system to interfere with the ordinary routine of business at the magistrates' and police courts. The police would still pursue their ordinary duties. The person immediately injured would, of course, as now, call in their aid in the first instance, and the duties of the committing magistrates be, under ordinary circumstances, as they now are; but it should be the duty of the police and of the magistrates' clerk to give notice to the District Attorney-General of any case in which his services would be required, of all cases where the prisoner was committed to take his trial or remanded in consequence of the services of the public prosecutor being required at the magistrates' court. By a very slight alteration in the order of business at quarter sessions and petty sessions arrangements might be made so as on all occasions, *when necessary*, to secure the attendance of either the District

Attorney-General or one of his staff, and in the case of commitment made in their absence it should be the duty of the magistrates' clerks to send at once to the chief office of the district copies of the depositions. On the trial the District Attorney-General, or in his absence a sufficient deputy, should in ordinary cases act as the sole prosecuting counsel; but in extraordinary cases, really requiring other assistance, the District Attorney-General should under proper restrictions be at liberty to call in the services of both barristers and attorneys; and it should always be competent to the District Attorney-General under similar restrictions to avail himself of the aid of the Public Corporation, Board, Company, or individual more immediately affected by the offence committed, and volunteering to pay the legal expenses caused by such interference: and I would also allow in such cases as libel or common assault, with the consent of the District Attorney-General, the person immediately affected to have the entire conduct of the prosecution; but as a general rule I would not allow criminal prosecutions to be conducted otherwise than officially, or by the sanction of the District Attorney-General. I believe by such an establishment as that I have now suggested the greater part of the evils the public now suffer from in the present system of criminal prosecution would be got rid of; but I believe the appointment of a District Attorney-General, known to have a plain and undeviating duty to perform in the prosecution of all who commit offences against the law, would conduce more than anything else to the suppression of crime and a due respect for and confidence in the law. It would put an end not only to the evils which prevail in the prosecution of ordinary cases of crime, but would do far more; it would go far to uphold the law against all influence which can be brought to bear on it. If under our present system of prosecuting offences justice falls through in common cases of robbery or violence, what must now be the result with respect to crimes and offences where the interest of the whole community is more exclusively concerned? Where what jurists tell us is everybody's business, our legal system says is nobody's. Can it be doubted that those offences against society which militate against its best interests—the preservation of public decency and morality, the liberty of the subject, the purity of election, the credit of our commercial community, the good name of the whole nation—ought, on all occasions, to be prosecuted by the responsible representative of the State? Can it be doubted that if a proper system of public prosecution were in force we should see an end put to many kinds of offence now altogether unpunished—to the shameless trades which, in open defiance of our law, are carried on to the injury and disgrace of the whole community—to the existence of those dens of iniquity where vice and crime are systematically nurtured in defiance of all that the law now says. If instead of the suppression of these evils depending upon the capricious action of private informers, they were left to the systematic proceeding of the public prosecutor, is there much doubt of the beneficial result? If commercial freebooters of the class we have unhappily of

late years heard so much of, had had before their eyes the inexorable public prosecutor, ready to deal with such cases of robbery as with that of the ordinary thief, can it be doubted that we should have been saved the scandals lately so rife, to our great discredit as a commercial country? Nay, can we have much doubt that if the public prosecutor had on each occasion his attention officially called to the proceedings at our elections, making detection of corrupt practices more easy and prosecution inevitable, one great step towards purity of election would be gained? We might go on with the list of cases where we may feel assured the institution of a public prosecutor would be an inevitable advantage in checking great evils. The principle on which the institution of such an officer is advocated is a simple one. If by favour or mistaken sympathy, or personal repugnance on the part of a prosecutor to perform a public duty, or from malice, a spirit of oppression, a desire to extort, or any other causes, the course of the law, instead of bringing with it justice, is uncertain, capricious, and oppressive, in vain can we expect to secure the respect of the populace. The spotless character of our judges will not serve to compensate the applicant for justice whose claims have been cruelly ignored. The stream of justice must be kept free wherever it flows. If foul matter or injurious action is suffered to be introduced in any part, its even course must be inevitably corrupted or injuriously diverted, and the ill consequences be everywhere felt.

MR. HENRY MILLER (Glasgow) also read a paper on the question, but confined his observations to the law and practice in Scotland. He remarked that the Lord Advocate—the chief legal adviser for the Crown in Scotland—is entitled to prosecute before any court, in his own name in that capacity, for the punishment of all crimes committed in Scotland, of whatever magnitude. The office is one of great antiquity, going so far back as the end of the sixteenth century. The next Government official is the Solicitor-General, whose duty it is to assist the Lord Advocate. The Lord Advocate may delegate his powers to Advocates-Depute, who attend the several Circuit Courts, and conduct the prosecutions. For their proceedings the Lord Advocate is responsible to the Crown and to Parliament. The expenses of official proceedings are borne by the public. It must be observed that, though in Scotland the Public Prosecutor should decline to act, the private party injured is entitled to prosecute in his own name for damages or other civil remedy, and even in quasi-criminal cases for the infliction of penal consequences, with the concurrence of the Lord Advocate or of his Deputies, or of the Procurator Fiscal for the county.

Besides the Justiciary Court, which has jurisdiction over the entire kingdom, there is in every county a Sheriff Court, and attached to each a public prosecutor, designated “The Procurator Fiscal.” According to the present practice, when an information is

lodged with him of a crime having been committed within the county, he takes proceedings for the public interest, by first ascertaining the facts, and thereupon taking action by apprehending the delinquent for trial, should the circumstances warrant him in doing so. He is in this matter directed by the counsel for the Crown, the Lord Advocate, Solicitor-General, or Advocates-Depute. If the offence is not of a very serious nature, the prisoner may be tried summarily, and the case may be disposed of by the sheriff of the county within which the crime was committed. The sentence in such a case does not exceed two months' imprisonment. When the Procurator Fiscal has received information of a crime having been committed, and after he has authentic information on the subject, it is his duty to report the precognition of the evidence of the proposed witnesses to the Crown agent. The last-named official immediately submits it to the Lord Advocate, the Solicitor-General, or the Depute, who has charge of the criminal cases for the ensuing Circuit Court. By their instructions accordingly the case is afterwards disposed of, either by trial, or by the accused being set at liberty without trial, in case they should consider the circumstances and evidence insufficient to insure a conviction. These officials may retain the case in their own hands for indictment before the High Court of Justiciary or the Circuit Court; or allow the prosecution to proceed before the sheriff with a jury, or by the sheriff summarily.

Where the proceedings have been grossly irregular or oppressive, Procurators Fiscal may be found liable in damages to the accused, should it be found that there was no foundation for their proceedings; but so careful and judicious have the proceedings at their instance been hitherto conducted, that there is rarely a complaint made against them. It should be borne in mind that these Procurators Fiscal are in the first instance responsible for their conduct to the sheriffs of the county from whom they have their appointments, and again to the Lord Advocate, who is answerable to the Crown and Parliament as before stated.

The Lord Advocate and his Deputies are Crown Counsel, and receive salaries from the Government. The Procurators Fiscal were paid at one time by legal fees. They are now paid by salaries fixed by the Treasury.

Cases of fraud are continually appearing in the London newspapers which would be prosecuted under the Scotch system, but in which the criminals are allowed to escape in England. Mr. Miller proceeded to adduce instances from the London newspapers, where the magistrates had spoken of the cases before them as being of a very gross character, and had yet been compelled to allow the prisoners to go free. In one instance, Mr. Knox is reported to have said that, "a more abominable and atrocious crime than the one he had investigated had never been committed," but that he was compelled on account of the state of the law to let the prisoners go.

In cases of murder, robbery, forgery, and aggravated cases of

theft, embezzlement, frauds, &c., where parties are taken into custody within the police bounds, they are in the first instance brought before the police magistrate, and afterwards transferred to the sheriff, whose Fiscals move in the matter, and prosecute.

If the value of property stolen or embezzled is greater than ten pounds, the case is not triable in the police courts, in which city magistrates preside. The latter are chosen, and appointed by their fellow-members of the town council; and it is to be regretted that as yet there are no stipendiary magistrates in the police courts in Scotland.

DISCUSSION

MR. SERJEANT COX: The description given by my learned brother, of the disadvantages we labour under from not having a public prosecutor, was not coloured half dark enough. I will briefly go with you through the troubles which attend a prosecution from the commencement, and then you will see how necessary it is that some public officer should take the business into his own hands, and conduct it with more ease to the parties concerned, and more benefit to the public. You are robbed, and the first thing you have to do is to send for a policeman. When he comes he hears your story, and listens to what the servants have to say; but he is usually not a well-instructed man, and he is neither accustomed to collect evidence, nor does he know what is or what is not evidence. This man comes to your house and collects the materials with which you go before the magistrate; for, of course, the great majority of persons robbed are utterly unacquainted with the criminal law, and still more ignorant of the law of evidence. If you employ a solicitor you know that that is attended with a considerable bill of costs, the country paying nothing of it. Well, you come with the best evidence you have got, and the magistrate receives nothing more than the evidence you bring. If you come unprepared, the magistrate may remand the prisoner or dismiss the charge; whereas if an intelligent person had been employed to collect the evidence, you might have secured sufficient to commit the prisoner. Suppose the prisoner is committed, does your work end there? By no means. You are deprived of the aid of the policeman, deprived of all assistance whatever; you are thrown entirely upon your own resources for the getting up of the case to come before the judge. You may say you will leave it to the magistrate's clerk, who will bind over the policeman to prosecute. There are very great objections to the magistrate's clerk performing such duties, though he really and practically is the public prosecutor. The fact is, that magistrates' clerks have inducements which they ought not to have held out to them, and to which no official ought to be subjected—to send cases for trial without sufficient evidence. All who are acquainted with Criminal Courts know what a number of cases are sent for trial and thrown out by the grand jury, because not the shadow of a case was made out against the prisoner. They are very often cases that have been sent for trial without sufficient consideration of the evidence. You go to the court either with a brief or without it. If you choose to employ a solicitor and he employs counsel, he makes out a large bill of 15*l.* or 20*l.* for conducting the prosecution, which you have to pay, although it is the cost involved in discharging a duty on behalf of the public. Now, just look at the position in which you are placed. You know nothing of your case. You have not a copy of the depositions you made before the magistrates, but you have to bring all your witnesses together, to marshal them in order to see that they are all in their places. You ought to know something about the order of the evidence in order that you may know in what way to put your case before the Court. If you have not employed a counsel, what is the state of things? If a counsel is not employed, the judge may, if he think fit, hand the depositions to counsel, to take the case for you, and sometimes the judge exercises his power in that way. The depositions are those of the evidence given before the magistrate some three or four months

before the trial, and no subsequent evidence has been collected that might have been necessary to make your case complete. Should the judge in your case hand the depositions to a counsel, that gentleman receives the large sum of a guinea for conducting it. As the counsel has only received the depositions five minutes before the case is brought on, not being properly acquainted with the evidence he is not able to bring out the case clearly before the jury. He therefore reads the evidence as the case proceeds, step by step. The difficulties in which I am placed as judge in Middlesex are these. I have to take the depositions, and having read them, to prosecute the prisoner from them, and then you know I have a double duty to perform. The duty of a judge is not to prosecute nor to defend, but to see that justice is done between the parties. If the prisoner is undefended, it is the duty of the judge to protect him—to see that the case is not only clearly made out, but also to see that everything which might possibly come out on the evidence in his behalf is properly placed before the jury. The judge is then placed in the double position of advocate for the prosecution and advocate for the prisoner, and it is impossible that he can do justice in such a case, as anybody who is experienced in courts of law knows. But we have not done with all the troubles in which a prosecutor is involved. You, the prosecutor, go into the witness-box, and if the prisoner is defended, you get a clever counsel opposed to you, by whom you are subjected to a severe cross-examination, not as if you were there performing a public duty, but as if you were a good deal worse man than the prisoner, and as if the very fact of your appearing there makes you a person unworthy of credit. Everything that can be raked up against you, whether true or untrue; every story of your past life for thirty, or even fifty, years before. You are even asked what your father or grandfather did. Everything that can terrify your witness is employed. Then, after this cross-examination, and after the counsel on the other side has knocked you down by his abuse, having no counsel to set you up again, you have only the judge to fall back upon. One objection to a public prosecutor is, that his appointment would affect the profits of the legal profession. But it is the same with this as it is with a great many other things. I fear we must consent more or less to give way for the public advantage. The public interests must not be sacrificed for our own. All persons who have well considered the subject are astonished that we should still remain the only country in Europe in which a public prosecutor does not exist.

MR. A. J. WILLIAMS: I think we may safely assume that the universal feeling of this country is in favour of some change in the system of prosecution in this country. Now the scheme which my learned friend, Mr. Sergeant Pulling, has sketched would certainly materially reduce the objections raised to the plan embodied in the Bill of Mr. John George Phillimore. He proposed to create first of all a very large body of Crown prosecutors with about 500 assistant Crown prosecutors, at salaries of 300*l.* a year, each to be supported by district attorneys. That scheme did, I believe, more damage to the cause of public prosecution than anything else during the last fifty years. The plan was so eminently unpractical that it shelved the whole question until this day. We have had a scheme more feasible and more sensible, but even that would meet with considerable opposition on the ground that it was unpractical, and introduced an unnecessary element into our machinery. It appears to me, and I have had practical experience in such matters for many years, that our machinery does not need the introduction of all these new agents. First of all, the Crown counsel in London always act as counsel for the whole kingdom, and all that is necessary is that in each county, or two or three counties, a responsible central officer—an officer of standing in the county town—should be appointed, who should be responsible as a subordinate to the Crown for the conduct of all prosecutions from their initiation to their conclusion at sessions and assizes. That officer, it appears to me, exists partially at the present time in the county town; whilst those who should act as deputies throughout the whole kingdom also partially exist at the present time. The whole country is divided, for the purpose of the administration of criminal justice, into petty sessional divisions. The bench of magistrates first investigate criminal charges brought before them, the business being done by a gentleman who is generally an attorney of standing in that particular district. His appointment is not one of great pecuniary value in many cases, but it is a position of

honour, and looked up to as a prize to be gained by the profession. Magistrates' clerks are gentlemen of standing and respectability, more or less versed in criminal law. They sit under the justices and take down—for that is part of their duty—the depositions of fact, and they are paid in fees. The clerk is very much of the nature of a Crown adviser, for, being a man of considerable experience in criminal law, he very often advises the justices as to their decision. The moment you bring a charge it is his duty to take down and record whatever facts are brought forward. I cannot, I must say, see why so important an officer as this cannot be, by a very slight change, utilised still further, and made in the county sessional district to represent or be the deputy of the county prosecutor in the county town. The advantage of such a change is obvious. You should never have Crown prosecutors paid by fees, because by that method you supply a strong incentive to make unnecessary committals. An arrangement might be made to commute the attorney's costs in prosecutions throughout the country for a fixed salary, and the clerk of the arraigns of the Western circuit has estimated them to be about 2*l*. Then it should be his duty to act responsibly for the Crown from the beginning to the end of every criminal charge. You have then ready made to your hand the best Crown prosecutor you could possibly have, acting always under the direct control of the county prosecutor, who would be under the immediate control of the Crown counsel appointed in London. You would thus have a Crown officer of intelligence, who would always be present when charges were examined. The plan I have mentioned has been strongly supported by that most important body, the Justices' Clerks Society in this country. The learned serjeant assumes that the district Attorney-General, whom he proposes to create for districts, is to conduct all the prosecutions in his district. I should be sorry to accept 5000*l*. a year for the responsibility of conducting individually all the prosecutions in any one of those districts. The West Riding of York, for instance, would involve an immense amount of labour. I fully admit that we must waive self-interest in this matter, but I think the public would suffer if all the prosecutions were conducted by settled counsel. If you made the magistrates' clerks the prosecuting officers, under a responsible man in a county town, who would look after all the prosecutions, then the present system of employing all the counsel universally—or in all the counties except Middlesex—might very well be retained.

MR. BARWICK BAKER: Let me say that, in the first place I hold that one great importance of a public prosecutor would be to find out the antecedents of a man before he is put on his trial. I have taken considerable pains in regard to this matter. In the county of Gloucester we have gone with more care into the hunting out of the antecedents of prisoners than is done in most places; and we have very effectually done the work. Still, now and then a man is brought forward just before the sessions, and we have no means of ascertaining the facts of the case. I trust to get the Quarter Sessions to adopt a rule to the effect that when we have not time for discovering a prisoner's antecedents, his trial shall be postponed. This would be the work of a public prosecutor. He should find out what has been the character of a man's previous life, because upon that I hold mainly depends what the sentence ought to be. What we want is to prevent crime for the future. I remember that some time ago a man was brought before the sessions. His trial was heard, and he was on the point of being sentenced when an officer of the prison, who happened to come into the court, said—"I know that man; I appeared against him in a case in the Forest of Dean, eight or ten years ago, when he was sentenced to five years' penal servitude. At the expiration of that sentence he was taken up again in Yorkshire within about a fortnight after his being let out, and was there sentenced to seven years' penal servitude. I went up to Yorkshire to identify the man." Here was a man who had just been let out of goal, and found stealing again. I can hardly imagine that a large staff of officials would be required. In the West Riding of Yorkshire there are upwards of 1200 prosecutions in the year; and there a larger staff might be required. In our county, however, Gloucestershire, which is a large county, rather above than under the average, we have not 300 prosecutions in the year; and surely one central man, with a little assistance here and there from justices' clerks or other persons, would be able to get through the work. But this is one of the questions of detail. I cannot but think that the expense would be nothing

at all commensurate with the actual money that would be saved, to say nothing of the improvement that would be effected.

Mr. HERBERT SAFFORD: I have had fourteen years' experience in prosecutions; but I feel that I cannot agree with the gentlemen who advocate the use of justices' clerks as public prosecutors. I, myself, should be very sorry, indeed, to be placed in such a position, for this reason: it is impossible for a person who is prosecuting not to take a prosecuting view of the evidence. If I were to take the depositions and conduct the prosecution of a case, not being guided by a first-rate lawyer on the bench to keep me in order, the probabilities are that, with every desire to do justice to the prisoner, I should take the statement for the prosecution to be stronger than that for the defence. In fact, I am afraid that the prosecution would be put unduly forward. The clerk to the justices ought to be an independent officer. He is often asked to advise the magistrates, and therefore he ought to be a man without the slightest imputation on his character: but this could not long be the case when it was known that he derived any advantage from the prosecution of offenders. I would call attention to the system of public prosecution carried on in mint cases. It struck me that Mr. Serjeant Pulling's statement of the cost of these prosecutions was rather too low; and on looking at the last report I found that in 1868 there were 330 cases, and that the total costs paid by the department in respect of them was 2620*l.* The number of criminal cases other than mint cases prosecuted by the solicitor to the Treasury in the same year was only forty-seven, and yet the costs in respect of them amounted to 7366*l.* 5*s.* 6*d.* Therefore, I do not think we shall be able to make public prosecution a matter of cheapness; and, indeed, I do not think it is for a great nation such as England to place criminal jurisprudence as a matter of cheapness. Economy is a mistake in this instance; for I hold that every crime that is undetected, or the prosecution of which fails, is an encouragement to other criminals. A public prosecutor would also be a benefit to the prisoner, because he would not keep back, like some solicitors do, facts which would tell in favour of the prisoner. Acting as a Crown officer, responsible to the Crown and to the Government alone for his procedure, the public prosecutor would feel himself bound to bring before the notice of the judge any fact that might come to his knowledge in favour of the prisoner. In that way the time of the judges would be saved, and there would be an immense saving to the country. I know of one case, in which a woman was remanded no less than fourteen times from week to week, during which time witnesses were brought backwards and forwards, and that, because the case was left in the hands of the ordinary police officers. You cannot look at the simple element of costs in this matter; for when it was known that certain prosecution and conviction would follow the charge, crime itself would diminish.

Mr. FREDERIC HILL: I am probably the only one in the room that has practically witnessed the operation of the system of public prosecution; and, therefore, I may be allowed to say a few words on the subject. During a period of twelve years I have been brought constantly into connection with all concerned in the administration of the law, especially the criminal law, in Scotland. I did not hear the paper read by Mr. Serjeant Pulling, but I quite understand that the scheme he recommends is generally in accordance with that which I have witnessed for so long a period. Under the circumstances I perhaps may be allowed to say that the difficulties contemplated by Mr. Williams, among others, as to the practicability of reducing the principle of public prosecutor into operation, are visionary. The system has been in use for a very long period in Scotland, and I can state from my own observation that the result is most beneficial. For instance, in Scotland, has there been any necessity, such as that which lately disgraced us in England, of having to buy up witnesses, of having to condone the greatest of all crimes, that of murder, in order to obtain evidence? In Scotland, with the system of public prosecution there established, such a man as Broadhead, of Sheffield, would have been hunted down long before he had committed the second, or third, or fourth offence. No one would ever dream for one moment of telling him that if he would only acknowledge his crime he would pass scot-free. Again, in prosecutions in Scotland, so well are the circumstances examined into before the cases are brought forward, that those concerned in the prosecution—the Crown counsel

—consider it quite a discredit for a man, prosecuted under their auspices, to be acquitted. It is their duty, if they find the evidence insufficient, to direct the prisoner's dismissal before he is put into the dock. The grand jury system does not exist north of the Tweed. I can say, as the result of my personal observations from time to time, when precognitions have been taken, that it is a safe system both for the prisoner and the State. There is, by far, greater probability that the guilty will have their guilt established, and that the crime will be followed by its proper result, adequate punishment, than under the system that obtains in England. Therefore, we need not speculate as to what can be or what may be the case under a great variety of circumstances, because we have only to see what is going on in Scotland at the present time, and learn what have been the practical results of public prosecution in that country.

Mr. BRACEBRIDGE testified to the efficiency of public prosecution in Scotland in cases in which men had been ill-used for refusing to work contrary to the orders of trades' unions. Measures were taken to protect witnesses from all kinds of bad usage, and to provide suitable conveyance for them from distant places, and everything was done to procure the fullest examination; the result being that when the trials took place conviction was certain. Not one offender escaped from want of that full statement and corroboration which juries naturally and properly, and which he hoped they ever would, demand before they pronounced their fellow subject guilty.

Mr. A. ELLIOTT observed that he had had some experience of the way in which public prosecutions were conducted in Ceylon, where the criminal law was practically that of England. The objection he believed to prosecution in England, as at present conducted, was principally one of expense, and that expense commenced chiefly after the accused was committed for trial. Now, in Ceylon, the public prosecutor only began to act after the magistrate had determined the *prima facie* case, and committed the man for trial. After the depositions were taken, the prisoner was at liberty to pray for trial before one of the superior courts, but practically this was not done. Many of the magistrates were glad to avail themselves of the advice of a trained lawyer regarding cases that came before them. After the depositions are taken they are referred to an officer, called the Queen's Advocate. This officer has deputies throughout the island, and he is also the local legal adviser of the Government, and his opinion, of course, carries considerable weight with the Government in all questions. The depositions are afterwards referred to the Deputy Queen's Advocate, who reads them, and instructs the magistrate as to the sufficiency or insufficiency of the evidence. If he is of opinion that there is no case, he instructs the magistrate to discharge the accused. They had no grand jury in Ceylon, just as in Scotland; but the Queen's Advocate discharged the functions of a grand jury and a public prosecutor. These prosecutors were paid by salary by Government; but it might, perhaps, be as well to mention that they were allowed to take private civil practice.

Mr. Serjeant PULLING then replied. He said: Lord Brougham told us that when his Government went out of office, more than thirty-four years ago, they were prepared with a scheme for a public prosecutor. The matter has been examined both by a Royal Commission and by a Committee of the House of Commons. Subsequently, a Bill was brought into Parliament by Mr. Phillimore, and that went fully into the question. Besides Lord Brougham's, we have had the opinion of every Chief Justice, from Lord Tenterden to the present time, in favour of such a system. Lord Denman, who succeeded Lord Tenterden, and Lord Campbell, such a wholly opposite man, and the present Lord Chief Justice, perhaps distinct from either, have all been of one mind as to the necessity of a public prosecutor. It is not too much to say, that nearly all the judges who have given thought to the subject have been of the same opinion with the Lords Chief Justices. Therefore it is very extraordinary for Parliament to refuse to legislate on a subject respecting which we have testimony of such great weight. The public ought to call the Legislature to account for such a course; and if there is any influence in a Society like this, I can hardly conceive of anything that they would do with more advantage than forcing on the attention of Parliament such a great question as this. What we have heard in this room this evening shows how little there is to be said against it. The whole work of one county,

even if it were the large district included in the great county of York, the number of cases in which has been put down at 2000, would not be too much for one man's work. But inasmuch as the present Attorney-General of England does not find it necessary to personally superintend and investigate one-tenth of the proceedings—it might almost be said one-hundredth part of the proceedings—which pass under his name and for which he is responsible, so it would be perfectly unnecessary for the proposed Prosecutor-General personally to investigate all the cases that would be carried on under his name. Nine out of ten of the cases that come before the committing magistrate are A B C cases—work more for policemen than lawyers. The prosecutor would merely give his sanction that the case was proper for trial. He does not dispose of the case and try it; he gives his opinion that it is proper to try. The Attorney-General of a district would gather from the different quarters of his district papers which would be sent in by his sub-officials, with the question whether the cases referred to in those papers should go for trial, and he might report that six, seven, or eight were accepted and that the ninth was not accepted. As to Mr. Baker's suggestion, I think it would be exceedingly objectionable that the prosecutor, the man who is to decide whether the law ought to be carried out, should trouble himself in any way with the antecedents of persons accused. He should leave policemen's work for policemen to do.

The CHAIRMAN: For myself, during a great number of years I have been strongly of opinion, indeed, that our criminal jurisprudence has been defective in this respect—that we ought to have had long since a public prosecutor. I quite agree with Serjeant Pulling that it does seem astonishing that so many years should have been allowed to elapse—there being such a general concurrence of opinion on this great question—without Parliament taking the subject in hand, and legislating upon it. This, to my mind, arises from two causes. The first is one of a private nature, that the alteration of the law would, to a certain extent, as proposed by some persons, affect the interests of individuals; and the second—a more important reason—is that measures for altering matters of criminal jurisprudence and criminal law are extremely difficult to be introduced into Parliament. The Lord Chancellor, who is supposed to be at the head of the legislative department, is charged with the introduction of law reforms; and the work thrown on him, of a judicial and legislative character, as well as other kinds of labour, render it almost impossible in the course of a session of Parliament to bring forward those measures. One of the ablest judicial officers that ever sat upon the Lord Chancellor's seat—Lord Westbury—told me, himself, with regard to another criminal law improvement, that he was so overwhelmed with work of every character, that though he felt the necessity of some improvement in our criminal law in the matter I suggested, yet he found it quite impossible to give himself time for the work. That shows that a difficulty exists in these matters being submitted to Parliament, and also the great necessity there is for an immediate revision of the administrative functions of the higher officers of the Crown. We have the highest legal officer of the Crown in a capacity which is totally foreign to our constitutional law, that is to say, he is one of the highest political officers, and also the highest judicial officer. Therefore, until we can effect the severance of these functions, and have what the Society for the Amendment of the Law has so often recommended and what Lord Brougham advocated—a Minister of Justice, I do not think that these and other law reforms can be successfully introduced and carried out. At all events it is important that the unanimous voice of this section should be raised on behalf of an alteration of the law in this respect. I quite endorse the views that have been put forth by the gentlemen who have addressed this Section. At the present time the prosecution almost entirely devolves upon the police, who have not the requisite intelligence to organise prosecutions. An instance in which the evil of the present system was shown, came within my own knowledge. I allude to the memorable case of the Road ~~order~~, which took place not far from me. There being no public officer to prosecute, the duty of prosecuting devolved upon a very intelligent and good officer in his way. Well, the officers of justice, having fixed their attention on a certain individual, proceeded to fit the facts of the case to him. But the principle of all prosecutions and all justice is to find your facts first and then fit your man to

them. In this case, however, they found a man, and then endeavoured by stretching, as if he were on a bed of Procrustes, to fit the unfortunate man to the facts. In that way an overwhelming stigma was attached to a man, for he was said to be the murderer of a child of which he was known to be devotedly fond. Therefore, I say that this instance shows that if a public prosecutor had had charge of the case in the first instance, and had followed out the facts in the way the legal mind would do, no doubt the guilty party would have been discovered in the first instance. I would just like to make one or two observations on what has been said by Serjeant Cox. He adverted to the trumpery expenses paid to witnesses; but I do not think that the appointment of a public prosecutor alone would touch that evil. I quite agree with him that it is an evil; it forms part of the general reform of criminal jurisprudence which I should like to see adopted. The learned serjeant said that he, as a lawyer, was quite willing that the patronage of the lawyers should be diminished; but then I think we, as citizens of the country, must take care that, whilst we diminish the patronage of the lawyers, we do not unduly magnify the patronage that we place in the hands of the State. By giving over to the State the prosecution of criminals we thereby give the State a very great hold upon us, which might in ordinary times be safe, but which in turbulent and difficult times might be placing a weapon in the hands of those who might use it against us. In regard to the proposition respecting magistrates' clerks, I think those gentlemen are quasi-judicial officers, their duty being to assist the magistrate. The clerk is at the right hand of the magistrate to weigh the evidence, and advise whether a prisoner shall be sent to trial; but, if you make him also a prosecutor, as pointed out by one or two gentlemen, you immediately give him a direct interest in getting up prosecutions, and thereby you alter his character altogether. He is a recorder of facts brought before him; his duty is not to hunt after evidence. I quite agree with that part of Mr. Baker's speech, in which he stated that a large staff of public prosecutors would not be at all necessary; but I cannot concur that economy in jurisprudence is niggardly, if justice can thereby be dealt out. I think we shall unanimously be of opinion that a public prosecutor ought to be established; and next comes the question as to the nature of the scheme to be adopted. Some years ago I laid a plan before Lord Brougham, which he approved of. I felt the force of placing the whole of the prosecutions of the country in the hands of the Government. My plan was that there should be a chief officer under the Attorney-General in London, and that in every county there should be one or more under-assistant prosecutors, either attorneys of large practice or barristers of experience, and that with their assistance, the present system should be continued. I want to take the prosecutions out of the hands of the attorneys of the district, and to throw them into the hands of gentlemen who well know the neighbourhood, and who are best qualified to deal with the facts. Nor would I interfere with the province of counsel at sessions or assizes; for my opinion is that the evil has ceased when cases get into court, for the ability of the counsel very often, makes up for the antecedent want of a public prosecutor. The time when I think a public prosecutor should come in is immediately after a robbery has taken place. Then, it should be the duty of the assistant prosecutor in each county in the kingdom to inquire into the evidence, get up the case, and submit it to his superior officer. Then if right, it should be handed over to the sessions or assizes. That is a modification to a certain extent of the measure proposed by Mr. Serjeant Pulling.

The following resolution was then unanimously agreed to:—"That the Section desires the Council respectfully to draw the attention of the Government to the necessity of appointing in this country a public prosecutor."

' REFORMATORY AND INDUSTRIAL SCHOOLS.

What have been the results of the Reformatory Schools and Industrial Schools' Acts? By WM. LANT CARPENTER.

THE Park Row Certified Industrial School, Bristol, was founded by the indefatigable exertions of my aunt, Miss Carpenter, assisted by pecuniary resources provided by the kindness of several of her friends, and it was one of the first schools to be certified under the Industrial Schools' Act. A reference to the official list of these schools will show that of the fifty-seven English schools in operation on December 31st, 1862, only five received their certificates prior to this one, which was certified on June 10th, 1859. For three years after this Miss Carpenter continued to manage the school unaided, but in the spring of 1862 she associated others with her in the work, and an influential Committee was formed (to which I was appointed Honorary Secretary, and have since continued as such), which has given very close and unremitting attention to the management. As the Committee have been with pleasure that in some respects the results of this school have frequently been considerably above the average, they venture to think that some account of their experience may be useful, especially as their Secretary is frequently consulted by letter from various parts of England on this very subject.

In the early days of the school, and indeed for some years after it was certified to receive boys under magistrates' order, there was but little true knowledge of the provisions and objects of the Act, but it was with the utmost difficulty that magistrates could be induced to send boys under detention, and it was therefore at that time necessary to make a beginning with voluntary inmates, who were, entirely fed, clothed, and lodged at private expense. Some months indeed, elapsed before a single boy was sentenced to the school. Gradually, however, the number of such boys increased, and at the time the Committee undertook the management there were rather more sentenced than voluntary inmates, partly owing to the fact that the funds of the school could not maintain many of the latter class, although there was ample room for them.

It was soon found that the presence of the "voluntaries" exercised in effect the reverse of beneficial upon the boys under detention; owing to their knowledge that the master had no legal hold over them, absconding cases were very frequent, and this produced a very restless feeling, and a sense of inequality, if not of injustice, among those lads for whose safe-keeping the Committee were responsible, so that one of the first decisions of any importance come to by this body was, not to admit any more voluntary inmates, even when fully paid for by private charity, except under very peculiar circumstances. Although it was considered at the time by Her Majesty's Inspector and other good authorities that the school thus became too much like a Reformatory, the Committee adhered to this

course, and they notice with pleasure, in confirmation of the view then taken, that, according to Her Majesty's Inspector's last report (pp. 18, 22), in Scotland and in many large English towns the proportion of voluntary inmates in these schools, which was large, is rapidly decreasing. It is believed that the licensing clauses of the Act, empowering managers to place boys in situations before the expiration of their sentence, still retaining a legal hold over them, gives, in a far better mode, precisely that intercourse with the outer world, which was contemplated by the admission of voluntary inmates, in addition to other important advantages.

Although this school has been established so long, there are many others which have at present, and have had since their foundation, a much larger number of inmates. It need scarcely be said that it might have been twice as full, had the managers thought it desirable to enlarge the premises, or to remove to more spacious ones, either of which might have been done. They felt, however, that by doing so, they would lose the family element in the school, the preservation of which they regard as of the utmost importance. Though it is highly probable that scarcely any of the poor lads committed to their care have felt the advantage of this in their homes (seeing that out of 107 boys committed from 1864 to 1868 inclusive, only fifty-six, or little more than half, had both parents living, and forty-four only one), the Committee unanimously felt that the true way to influence them for good was by individual action upon each boy, through the master, who should study his character and endeavour to guide it, as a father might that of his son; and that, while the boys were neither humoured nor pampered, they should have their feelings and wishes consulted. This can only be done with a limited number, and we are of opinion that from sixty to seventy boys is about the largest number that can be kept under such individual influence by one superintendent, and that, for example, two such separate schools will do more good than one large school with 120 or 130 boys.

The duties of matron, also, are much more readily performed by the master's wife alone with this smaller number of boys, and she is the more able to give a mother's aid and sympathy to those who seek it. Should she have young children of her own, and be able and willing to allow some of the boys to assist her in taking care of them, the effect upon those who are so trusted is extremely beneficial.

This family feeling is further fostered by making the older and better boys exercise an influence upon new comers, by encouraging them to do little services for one another, to assist in nursing a sick boy, to take charge of the youngest and most helpless among them, to feel an interest in the institution and all its belongings, by allowing all to share in any unexpected pleasure or treat, &c. In this way new-comers, placed in charge of some of the older boys, who are generally proud of the trust, rapidly fall into the routine of the school duties, and speedily become "one of the family."

Each boy, too, receives a certain small allowance of pocket-money, given as a reward for work done, which accumulates in the master's hands, and of which he is taught to keep an account. From this fund he is expected to pay for breakages, &c., and to provide, as far as he is able, any little indulgences for himself, with the master's permission.

The training that our boys receive naturally divides itself into industrial, and, for want of a better word, scholastic. The former comprises gardening under the master, tailoring, and shoemaking, under two assistants, washing and mending clothes, baking bread, and firewood cutting. Only in the last two employments is any work done to yield a direct profit to the school, the clothes and shoes made being for the inmates' use only. Baking is an employment in which, under good supervision, the boys succeed very well, and in the year 1868 as much as 312*l.* gross was received for bread baked by the boys. Firewood chopping and bundling affords capital work for the little boys on their first admission, and its delivery in Clifton and the neighbourhood gives good exercise for the elder lads, as well as trains them to the use of bills, receipts, &c., and to receive and account for money, upwards of 290*l.* gross having been received in 1868 from this source.

One great object of the industrial training being to make each boy a handy lad, so that, when thrown on his own resources, he can earn an honest livelihood, and help both himself and others, each individual boy goes through every industrial class in rotation, and thus, though of course some boys show special aptitudes and inaptitudes for certain work, every boy has, on leaving the school, a general notion of all these things; those boys who have emigrated or gone to sea specially feel the advantage of this varied training.

The scholastic training does not occupy more than three to four hours daily, early in the morning, and after tea in the evening. The assistant master has the chief charge of this, aided by a system of mutual instruction among the boys. Several of the elder lads compete in examination with lads from other poor schools in Bristol for scholarships of 5*l.* each, yearly offered by trustees of one of the Bristol charities, and have always hitherto done so with success.

With respect to the general health of our boys, it gives me great pleasure to be able to state that it is exceedingly good. Many of them come to us, of course, in a miserable plight, sickly, and with tendencies to various diseases, some of which are hereditary. Since its foundation we have had only one death in the school, and very few cases of serious illness; and it is frequently remarked that a wonderful physical improvement occurs in poor, weak, stunted lads, in a comparatively short period. Our Honorary Surgeon attributes much of this to the regular food, cultivation of outdoor exercises, drill, gymnastics, &c., as well as to the constant and careful supervision of the master, whose motto, both in moral and physical diseases, is "prevention is better than cure."

In connection with the general system of training it may be well

to mention that, while the friends of boys are allowed to visit them on certain days, it has been found necessary to prohibit boys from visiting their friends at their homes during their term of detention, except in very rare and special cases. Our experience has been, almost without exception, that the effect produced upon a boy, by the revival of all his bad associations during such a visit, is such as to materially interfere with, if not to destroy, the result of months of training.

The Committee, however, have found it very desirable to occasionally make some pleasant departure from the usual school routine, and to send the boys, under proper supervision, to some place of rational amusement, such as a panorama, or similar exhibition, a conjuring performance, or well-conducted circus; or, in the summer, to some country spot, where new scenes and recreations give a healthful change to their usual currents of thought. The good effect of this upon the general demeanour of the boys is constantly noticeable, and the privileges thus granted are much appreciated, and have never been abused.

It is scarcely necessary here to point out the great desirability of boys being sentenced with long terms of detention. It by no means follows that a lad remains in the school for the whole period, the reverse being usually the case, but it enables managers gradually to relax their legal hold over boys, by sending them out into situations under the licensing clauses. As soon as we began to discharge boys, in the early history of the school, we felt the need of some such provision, and, accordingly, in 1865 we sent a memorial to the Secretary of State, inviting also the co-operation of every industrial school then established, in which we respectfully urged, among other things, the insertion of such licensing clauses into the new Act, which eventually became law in 1866.

Our boys are first sent to work for a portion of the day only, in shops, private houses, &c., the rest of their time being spent at the school, where they continue to take their meals and sleep; the next step is to place them out in some situation on license, which is revoked if they misconduct themselves, which rarely happens however, and eventually their term of sentence expires, and they continue in their situations as though no change had been made.

While the machinery and mode of training thus described is so entirely different from that of a prison, the knowledge that there is a legal hold over the boys, and that they will be captured if they run away, has a most deterring effect upon absconders. This is aided by imposing a small fine upon the whole school when any lad does run away, by which a sense of mutual responsibility is excited among the boys, which has an excellent moral effect. Since the establishment of the school, only two sentenced boys have absconded without being recaptured, and a year frequently elapses without any attempt at desertion being made, even by new-comers, with whom there is the most trouble in this respect.

As so many boys, at their final discharge, are homeless and

friendless, it was found necessary to provide a sort of home for those who were at work in Bristol, where they could live and be boarded cheaply. In many cases it is necessary to supplement their wages for a year or two, as they are not generally old enough to support themselves, but the utmost care is required in giving this assistance, lest they should depend too much upon that, and not upon their own exertions. The supervision of those boys who have left, as well as the finding of situations for those about to leave, is under the direction of a special officer, or children's agent, who combines these duties with others of a like nature for similar institutions in Bristol. The Committee find no difficulty in disposing of boys on their discharge, except in a pecuniary sense—the expenses of outfit, and of partial maintenance for some time, being considerable, and unless assistance of this kind is given, boys are in many cases liable to return to their old habits, and all good effects of the school training are lost. Our experience has taught us that it is not a good thing to apprentice the boys to a trade. It is seldom that such apprenticeships have succeeded, partly owing to the want of parental authority to which the master can appeal—partly to want of power to manage the boys on the part of the masters themselves, who are generally small tradesmen, and partly also to the inherent restlessness of the boys themselves. A large number of our boys go to sea, and lately several have emigrated to Canada and the States, some of whom, under the supervision of the agency of Mr. Van Meter, of New York, are doing extremely well.

Such being our principles of action, it may be of interest to note a few of the results that have been obtained. According to Her Majesty's Inspector's Report for the year ending 1868, the average per centage of boys discharged in 1865, 1866, and 1867, who were reported as known to be doing well, was 53 per cent. Our figure for the same period was 73 per cent. The average percentage returned as unknown was 34 per cent. Our figure is about one-half that, or 18 per cent., and, with an average of 6 per cent. convicted of crime, our figure was 4 per cent. or two-thirds of that.

Results like these enable the conductors of industrial schools to appeal with confidence to the public for sympathy and encouragement, and it is worth noting, as showing the appreciation of the good effects of these schools by the magistrates of this city (who, some few years ago, could hardly be induced to commit any children to industrial schools), that out of 175 boys under sixteen apprehended by the police in Bristol between January 1st and June 30th of the present year, one hundred and twelve were discharged, twenty-seven were sent to prison, twenty-four to an Industrial school, and twelve to a Reformatory.

With respect to cost, I am decidedly of opinion that the Treasury allowance, the profit on the industrial work, and the borough allowance of 1s. per head per week should be quite sufficient to cover all expenses for inmates in a well-managed school. The primary expense of establishing it must of course be defrayed by

voluntary effort; but after two or three years' work the above statement should hold good. It does not include, however, the expenses attendant on the discharge of a boy, or necessary assistance subsequent to that. For this purpose private help is in all cases wanted.

On one point our Committee feel very strongly, viz., the necessity of compelling the parents of these lads to contribute more largely to their maintenance. We are well aware that the Treasury allowance will be diminished exactly in proportion as this is increased, but we regard the matter as of great importance, since it fixes the consequences of a child's misbehaviour upon its parents, and are therefore of opinion that, should the cost of collection be equal to, or even greater than, the amount collected, the attempt should be made, as a matter of principle. Without the enforcement of some such provision, a father, who did not care for one of his children, might allow or even oblige him to commit some slight offence which would render him liable to be sent to an Industrial school, where he would be maintained entirely at the expense of the country, and all parental obligations would be avoided for some years, if not forever.

On the Same. By JOHN BARKER, Superintendent of Kingswood Reformatory, Bristol.

THE year 1848 was remarkable as the period at which the people of this country were aroused to do something toward the reformation of our juvenile criminal population.

We had succeeded in establishing the ragged-school system, and in so doing were brought into personal contact with a large class of juveniles, previously known only to the policeman and the jailer. The class as such were previously unknown except by their acts, and, if dealt with, it was as individuals; and it was only when we commenced to plant our ragged schools in the midst of the neighbourhoods inhabited by the class, that we came face to face with them in their own haunts and were enabled to study their characteristics. After contact with the class, we came to the conclusion that 75 per cent. were recoverable. That estimate was fully borne out by subsequent facts. I may remark that reformatory work then had no romance about it. It was hard work, requiring no small amount of physical strength as well as moral courage, and we had often to prove to our scholars that we were their superiors in physical power as well as in moral force.

At the passing of the first Reformatory Act, a great stride was made. Had we commenced with legal enactments we should not have so readily found an entrance into the strongholds of the common enemy. Having by voluntary effort established the fact that the class was reclaimable, the Government of the day, on August 10th, 1854, passed an Act entitled—"An Act for the better care and

reformation of youthful offenders in Great Britain," which armed us with the powers that have caused the extinction of the predatory bands of young thieves which at that period infested all our large towns.

The passing of this Act recognized three principles—

- (1.) That to be enabled to reform we must have the power of detention.
- (2.) That the country which will be benefited by the reformation of the criminal ought to give large help toward the cost of his supervision and maintenance during the process.
- (3.) That whereas the parents of the children have, in many instances, caused their present condition by their bad example or neglect, they ought, wherever possible, to be required to reimburse the State according to their means.

Such are the principles which laid the foundation of our present reformatory system; the subsequent Acts, with some slight extensions, carrying out the same principles.

To reformatory managers the first—the power to detain—is of the greatest importance; it is the hinge upon which all the work turns, and enables us to perform our duties in a certain regular and decided manner; without it our operation must be fitful and uncertain. The power of detention gives us the opportunity to educate a large class who would not, in the absence of this principle, receive any other education than that obtained in the streets.

I take it that reformatory education is of three kinds:—mental culture, the development of the moral faculties, and the physical training obtained in our industrial departments. All these three are well attended to in our reformatories. With regard to mental training, two-thirds come to us in a complete state of ignorance. We return to society two-thirds fairly educated. With regard to moral training we receive all in a low condition, and return on an average 70 per cent. of reclaimed, who do permanently take their stand among the working population of our country.

The result of the physical training is seen in the sturdy limbs and the ruddy cheeks which are developed, as well as in the large pecuniary profit realised by their labour. The industrial profits of labour performed in all the reformatories in Great Britain in 1868, reached the handsome sum of 10,829*l.* 14*s.* 11*d.*, equal to about one-tenth the amount granted from the Treasury. In Great Britain we had on December 30th, 1868:—England—boys' schools, 36; girls', 14; total, 50. Scotland—boys' schools, 8; girls', 6; total, 14. Total, 64. These contained, boys, 5072; girls, 1176; total, 6248. Sent on first conviction—boys, 644; girls, 255; total, 899. Sent on second conviction—boys, 453; girls, 59; total, 512. Sent on third conviction—boys, 146; girls, 10; total, 156. Sent on fourth conviction—boys, 54; girls, 5; total, 59. Sent on fifth conviction—boys, 22; girls, 1; total, 23. Discharged

during 1868—1278. Boys, 1014; girls, 264. Death-rate less than 1 per cent. Only six on an average of about 500 were discharged as incorrigible.

Returns for the whole country for three years, show 70 per cent. reclaimed, or 7 out of each 10 discharged. About 20 per cent. relapse, many only for a time; and 10 per cent. become idle and irregular, but not criminal. The amount recovered from parents was 3017*l.* 12*s.* 1*d.*, equal to a twenty-sixth part of amount received from the Treasury. From local rates was received, 17,823*l.* 4*s.* 9*d.*

The number admitted to reformatories in England during the year was 1314; orphans, 79; illegitimate, 36; deserted, 185; parents excused from payment on account of poverty, 418; orders made on 554, or about two-fifths. The average cost per head was 18*l.* 19*s.* 10*d.*; varying between 14*l.* 5*s.* 5*d.* and 27*l.* 18*s.*

I now come to speak of a local effort—that of Kingswood Reformatory, which is conducted in the old Wesleyan College, and with which, during the last eleven years, I have had the honour to be associated; its present condition being one of the results of the “Reformatory Acts.” This institution commenced its career as a reformatory on the voluntary principle, under the joint management of Miss Carpenter and Scott Russell, Esq. It was one of the first which received a certificate under the first Act on October 4th, 1854. Since that time it has received 515 sentenced cases. Many of the discharged are thriving tradesmen; some are soldiers, a large number are sailors, others are in the colonies, living upon their own lands, with wives, and children, and many are among the ranks of the workers at home.

In eleven years the produce available for the market has realised the sum of 5503*l.* 10*s.* 8*d.*, while work equalling that amount in value has been performed for the institution. One peculiarity of Kingswood is that we are manufacturers. We really cook our raw material, for within the last ten years we have launched into the market 9,900,000 bricks made by our inmates. We go into the market with the result of our unskilled juvenile labour, and successfully compete with the trained and skilled adult. As practical people you will ask how this result has been attained? I answer, by giving the inmate a direct interest in his labour. Most of our work is performed by contract. The monitor, or “gaffer,” of the party is allowed to receive one-third the amount earned by the party, while two-thirds must be shared *pro rata* among the rest. The result is that we get a large amount of labour performed with a small amount of supervision. Inmates are frequently able to help their parents in time of need, and often boys return home with three or four bright sovereigns in their pockets, as the result of their own saving habits and industry. Another peculiarity of Kingswood is that all its officials are tradesmen. One is a carpenter, one a mason, another is a plumber or painter; so that whatever we require to be done is done within our own gates, and the inmates

who are told off to work with these men learn from them many useful lessons to be used by them again in after life.

*One of the results of the Reformatory Acts is the power to grant licence previous to the expiration of the sentence. As this power becomes to be more used and appreciated we may anticipate that our returns of success will improve; it is one of the most powerful auxiliaries to ensuring the permanency of our work that the Government could place in our hands, and as its advantages become better known it will be more extensively used. We have at present twenty out on license. Our discharges for this year are thirty-four, of which number two-thirds left on license previous to the expiration of their sentences.

Miss MARY CARPENTER also read a paper on the question. She said:—The principle upon which Reformatory Schools are based, which was recognised in the Act of 1854, is, that children should not be held responsible for actions which show that they have not had the guardianship or the education which every child ought to receive in a Christian country, and that each one ought to be put into such a position as to be able to perform his duties to God and man. That this principle is sound has been now proved by fifteen years of experience, not only by Reformatory Schools for those children who have actually been within the grasp of the law, but by Industrial Schools, where, under the same general management, children may be under legal detention without having incurred the stain of the gaol. Both these classes of schools are founded on the principle that the Government, standing in *loco parentis* to the child, gives legal detention, and a certain sum for maintenance in place of the parent who has neglected his duty, that parent being compelled to pay a portion. The schools, established by voluntary effort, are certified by the Secretary of State, and visited by an inspector: beyond that, the founders are free to develop their own plans. The idea never to be lost sight of with the children is to reproduce to them the home; the two elements necessary to the success of our efforts are love and firm authority; the sensitive, excitable nature of girls renders the first of these essential. This love must be shown, not by weak indulgence, but by true efforts for their welfare. A firm discipline, by means of judicious regulations carefully adhered to, rather than by personal control, must be maintained in the institution, thus teaching the habit of obedience. An intense selfishness is a characteristic of all children early neglected; while each child should feel that she is the object of individual care, she must in every way be drawn off from self to the consideration of others. Here also industrial work is useful, as well as in developing the physical powers, which should be strengthened by good food and sanitary regulations. Enlist the will of the child in her own reformation, and conscience will be gradually awakened. Religion must have a constant and practical part, the endeavour being to give to every child a knowledge

and love of the Scriptures which may hereafter influence her life. The indirect influence of these reformatories has also done much good. Public opinion is changing, and where it formerly was extremely difficult to place our girls out at service, there has now been for some years a greater demand for them as servants than we could supply. Again, the nature of juvenile crime is changed; at the beginning of the reformatory work we frequently had girls who had been four, five, or even eight times in prison, and thus become hardened with punishment. It is now, however, rare to have a girl sent on even a second conviction. Difficulty is still felt as to the disposal of the girls after leaving the institution. Domestic service, though presenting many temptations, seems, however, to be the most satisfactory mode. The utmost watchfulness has not been sufficient to prevent a few from being ensnared by the peculiar dangers of our large city, and we can only hope that legal measures may be adopted to protect the innocent. In other respects legislation has done all that can be wished for our reformatories. "When the reformatory work was begun, distinct legislation being needed, we were obliged to dwell chiefly on arguments which would show that what we asked was consistent with the spirit of English law, and that it was a sound policy to reform rather than merely to punish, but it was Christian love which impelled us to the work, and this must ever guide us, if we would rescue these young immortal beings; if we would truly follow him who came to seek and to save the lost, and who said, "Inasmuch as ye have done it unto one of the least of these little ones, ye have done it unto me."

DISCUSSION.

MR. BARWICK BAKER: I happen to have been thrown into connection with so many reformatories that I have been in the habit of considering what has been their effects upon the country as a whole; and those effects have been remarkable. It is said, "Prevention is better than cure," and when we began this work I confess I regretted that the name of "reformatory" was given to it, because it was much more preventive than it was reformatory, but even then I did not anticipate the extent to which that would be proved by facts, which I should like to adduce. Many of us began the work some years earlier, but it may fairly be said that reformatories came into general operation in 1856, and in that year nearly 14,000 boys and girls were committed to prison. Four years afterwards, in 1860, the number committed to prison, was 8029. Thus, in the four years, a reduction was effected of nearly 6000 convictions per annum. Mind, it was not that that number of juveniles were sent to reformatories instead of to prisons, but that 6000 fewer children were convicted of crime; but the reduction of crimes was probably even greater than that of convictions, because many of the 14,000 had been convicted six or eight times, and were hardened and skilled in crime; and such boys would commit fifty undiscovered thefts for one that was found out; whilst the 8000 were nearly all on second and third convictions, and therefore had not had time to acquire skill or practice, &c. had not on the average committed five undetected crimes for each conviction. It could not be said that this had been effected by reformation, because the greater number of those committed to reformatories in these four years had not come out of them, and therefore their reformation was not yet tested. This result was effected simply by physically

stopping children before they got into regular criminal habits, for as they were committed to reformatories on a second conviction, they had not the opportunity to go on learning until they became clever thieves. By way of illustration, I sometimes put the case thus to my legal friends. I say, suppose it were law that every barrister on gaining his first cause should be disbarred for seven days, and on gaining the second cause for twelve months, and on his third for seven years, it must necessarily follow we could have no clever lawyers, because they could have no practice, and as a consequence no lawyer would make a fortune at the Bar, and then very few gentlemen would go to the Bar. Apply this to the other profession, apply it to my friends the criminals, and you get the same result. We may fairly state that we have been the means of saving 6000 children, and probably more, from crime every year, and we have done that by taking only 1000 per annum into reformatories, and therefore for everyone we have had an opportunity of reforming we have actually succeeded in preventing five from falling into crime. In 1868 I took a census of all the boy thieves in London; there were then loose in London 456 who had been four times or more convicted, of whom 163 had been eight times convicted. Contrast this with a return I got last February. We hear much of the prison brand, and of its preventing any boy who has been in prison from ever regaining an honest character, but if we look to Mr. Sydney Turner's report we find that the total number of boys and girls committed in 1867 was 9631, while only 530 of these were second convictions, and only 231 were third or more. We must remember that boys, unlike men, do not wander much and it is generally known whether a boy has been convicted before or not, so that these figures are nearly reliable. But if so, it follows that for 8860 first convictions we had only 530 second convictions, i.e., out of fifteen boys sent to prison for a first conviction, only one was again found stealing under the age of sixteen, and therefore I hold it to be most desirable that every boy should, on his first conviction, be sent to prison, and on a second to a reformatory. Miss Carpenter made allusion to the *Maison Paternelle* in France, which is an institute for young gentlemen. I believe its working to be very simple and effectual. If at school a boy behaves very ill, goes very wrong, and requires a sharp pull up, he is sent to the *Maison Paternelle* for the holidays, and it rarely happens that he requires to be sent a second time. It is easy to understand how powerful a corrective such an institution as that would be. With regard to the parents' pay, do let me urge the magistrates, if the parents be in receipt of parish relief, to send to the relieving officer and tell him to apply for a reduction of the pay; but if they be very poor, but not on the parish, to insist on the payment of at least as much as the child would have cost at home, so that they may not be actual gainers by the crime. If they be moderately well off, they should pay sixpence or a shilling more. Were this carefully attended to, I believe that juvenile crime would greatly diminish.

MR. ALFRED ASPLAND: From a considerable experience of the working of reformatories, I know there are defects which require amendment. Many children who ought to be in them do not reach them. The results of the reformatory system can hardly be said to have been satisfactory during the past year. In Liverpool alone, something like 500 children were dealt with under the new Act. I presume nearly every one of them would have reached a reformatory if there had been convenience for them, but only 139 of them did so. Partly owing to a defect in the Act, and partly owing to want of room in the reformatories, several hundred children, in fact, 25 per cent. of those dealt with have not reached a reformatory school. One half of the deficit is owing to the fact that the children suffered from some physical defect, either skin disease, or internal complaint, or weakness of the constitution, which prevented the managers of reformatories from taking them; some few were rejected from want of room, and the remaining rejections are placed under the heading "other causes," which we may presume to be causes that need not have existed if the Act had been more perfect. I believe that the disappointment which Mr. Turner expresses as to the results of the reformatory system, is largely owing to the want of classification. When I sentence a child I ascertain the sort of reformatory which will best suit him. We have reformatories occupied by a highly criminal class, and in sending a criminal boy there I have no fear that he will contaminate others or be contaminated; there are reformatories receiving

from other districts boys who are much less criminal, and I should hesitate to send to them a boy who was highly criminal.

Colonel RATCLIFF: During thirteen or fourteen years, in dealing with between 400 and 500 cases, only eight or nine children had been refused admission on account of bodily defects. Every case came under his notice, and it was essential that a boy should be free from physical incapacity, because exceptions to discipline would lead to so much irregularity, that the efficiency of the institution would be impaired. There were so few cases of physical incapacity, that it would involve too much expense to establish a county hospital for them. The requirements of the two counties of Warwickshire and Staffordshire, were met by the reformatories, one for boys from the agricultural districts, and another for boys from the mining districts; there were generally about 180 boys in the two institutions, and it was seldom indeed that it was required to send a boy to either institution when there was not a vacancy for him. In the Black Country, children between the ages of seven and twelve were taken up every week for stealing refuse coal and iron, which they were encouraged to do by their parents, and it was found difficult to prevent a continuance of the practice. What had been found to be most effectual in making parents take care of their children, was to insist upon a fine or a commitment, for generally speaking when a parent had paid a fine he was more anxious to prevent his child from committing offence. In Birmingham there was an agent whose whole employment was to search out destitute and neglected children, and he saved children from becoming criminals, by bringing them before the magistrates, and having them committed to an industrial school. This office had existed two years, and it was found to work remarkably well. Occasionally there was imposition on the part of parents who found there was great advantage attached to a child being sent to a school, and some cases had been refused through the gross attempts at imposition. But the boys' bundle continued to go about, and was frequently the means of saving a vast deal of distress, and the Act which gave magistrates power to commit children had worked remarkably well.

Mr. SHAW said the children's agent for Bristol was in the room; there was a similar agent at work in London; and if the plan could be adopted throughout the country it would increase the results of the Acts. It was of the greatest importance to have a person at work, taking children before the magistrates, getting them committed, and finding out suitable schools for them. This was the lesson of London experience. The agent often found out a school that was ready to receive a boy before taking him before the magistrate, and in this way the difficulty was avoided of getting a boy committed, and then being unable to find a school for him, or a school suitable for him. These difficulties occurred in all large towns, and certainly in the largest such an agent ought to be employed. A proper agent would find suitable lodgings for discharged scholars, and in various ways give them help, which would be a great benefit to them. In London the difficulties had been to find situations for discharged boys, and suitable homes for them, and the latter difficulty had been partly met by establishing a lodging-house, which had answered its purpose admirably, but did not fully meet all requirements. A large employer took boys straight out of the refuge, only on condition that they remained at the lodging-house attached to it. From the first it had been a strong point with Mr. Sydney Turner, that it was not desirable that certified schools should be exclusively used for certified cases.

Mr. GRANT said that he was, and had been for four years, employed in looking after poor and destitute children in Bristol, and of course this occupation made him thoroughly acquainted with the children eligible for these schools, and enabled him to take many cases before the magistrates and vouch for their eligibility. There were many difficulties in the way of taking children before the magistrates which arose from the want of any authority, beyond what was known of the child itself. He had succeeded in many instances in which children were so thoroughly destitute and neglected that he obtained evidence to prove the cases fully and completely; and in some cases he had been assisted by missionaries. Mr. Grant took a subsequent opportunity of adding that he had known many cases of girls fourteen and fifteen, who were leading improper lives, and who otherwise would have been fit candidates for a reformatory school; and he hoped to see an institution for the reception of this class, among whom much good might be done.

Mr. A. HERBERT SAFFORD said there were many cases in which the metropolitan police magistrates would be inclined to commit to industrial schools were they not deterred by the knowledge that contributions would not be enforced from the parents. With every respect for the "Boys' Beadle," he had been fourteen years in a metropolitan police court without having seen that functionary, and boys were generally brought to the court by the police for vagrant habits. They were usually remanded to the workhouse, and inquiries made about their parents, and it was generally found that the parents supplemented their own earnings by sending the children out to beg. Some parents exhibited a desire to get their children into the industrial school, but declared themselves too poor to pay even a penny a day towards their support: and turning to the inspector's report he found that towards an expenditure of 87,820*l.* for 6572 children in industrial schools, parents contributed only 930*l.* For one, he was not prepared to assist drunken, dissolute, and careless parents in maintaining their children, and if it were necessary he would spend 300*l.* to get in 200*l.*, for the enforced collection of contributions would do good. When one was got into a school, the parents would no doubt try to get another in, and the neighbours would follow their example, and so were created nests of crime from which the candidates came.

Mr. C. R. FORD said the "Boys' Beadle" was restricted to the south side of London, and that was the reason Mr. Safford had not seen him in a police court on the north side of the river. A gentleman who had been absent from London some months, had stated publicly on his return, that the streets on the south side were much less troubled by "Arabs" than they used to be. With regard to parents' payments, what the managers of schools wished was this—When a boy or girl was brought before the magistrate there should be an adjournment in order that an institution might be looked out for, and inquiries made as to the ability of the parents to pay towards the support of the child. It is the beadle's or the policeman's duty to make the inquiry, and on the second appearance an order is generally made. I believe the Act gives the power. There is the power of sending parents to prison, and managers want to see the orders enforced, and wish magistrates clearly to understand that they have the power of making an order.

Miss CARPENTER, in reply, said: I have never refused a girl on account of illness or physical infirmity. As to the payments of parents, I am not prepared to say in the presence of magistrates, whether they have the power to order them to be made or not. The process is simply this. The magistrate generally states that he thinks a parent can pay 3*s.*, 6*d.*, or 1*s.* a week. We are required, on receiving a girl, to send a notice to the Reformatory Office of the statement of what it appears possible the parents can pay. We cannot tell ourselves, but we state what the magistrate has said, and leave it to the Inspector of Reformatories to make his inquiry and settle it. It rests with him to make the arrangements for collecting the money, and he repeatedly writes to us begging us to ascertain, if possible, what is the position of the parents, and to send him every quarter any information we can give. I think that defines the position of the magistrates, the inspector, and ourselves. I stated in my paper that we did not receive girls above fourteen, not because we think they may not be reformed between fourteen and sixteen, but because at that age they ought to be in a different institution, arranged on a different system, probably with separate sleeping accommodation, and the reason is we do not wish younger girls to be imbued with a knowledge of evil through communication with them. I am afraid it is almost universal with those between fourteen and sixteen that theirs are penitentiary cases which we ought not to take into our institution. I wish these girls to be reformed as much as the others, and, more than that, I believe they can be. There is a refuge in this city constructed for such cases; it is carried on exactly in the style we carry on our reformatory, and it has been very successful. All the penitentiaries I know of decline to take a girl who has committed theft; they do not like to take a girl from a reformatory, and indeed the penitentiary is not the right place for such girls, who require to be dealt with in a particular way. I have taken to penitentiaries young persons who wished to go but who did not choose to stay when they saw the control they would be under, and therefore I say we want an entirely distinct reformatory for girls between fourteen and sixteen to which a magistrate can commit them.

The CHAIRMAN said the discussion had brought out certain points very clearly. First, great satisfaction was felt at the working of the licensing system, by which power was given to let youths of both sexes go out on a sort of trial, subject to their being sent back in case of misconduct. He could not help drawing attention to what was said as to the effect of giving rewards to the youths in these institutions, and handing over a part of their earnings when they leave them. The system was not confined to reformatories; but in a similar manner we had made prison labour productive, and given something to the prisoner on his discharge, to enable him to re-enter society on a better footing than he otherwise could do. The Act appeared to contemplate payments being made by parents, but unfortunately a magistrate sending a youth to a reformatory did not appear to have power to enforce payment. By the twenty-fifth section the power to make the parent pay, arose on the complaint of the inspector whilst a youth was in an institution, but he must be in it before compulsion could be resorted to under the Act. To a certain extent a magistrate made payment on condition precedent, but the order was not concurrent with the sending of a youth to an institution. [Colonel RATCLIFF said the debt was not incurred and the parent did not become legally liable until the child was in the institution.] The Chairman added that the general feeling of the section appeared to be, that parents should be made to contribute more largely than they did. It was an important part of the system to have agents to look after children, both before they entered reformatories, and when they left them; and the latter seemed to be the more important of the two. He proposed that the section should embody its opinions in the following resolution:—

"That this Section is of opinion, from the results laid before it, that the effects of the Reformatory Act and Industrial Schools' Act of 1866 have been signally beneficial, especially as regards the licensing system sanctioned by the Acts, and it earnestly recommends the extension of the principle of reformatory institutions and industrial schools, and that the parents should be called upon to contribute more largely than they do at present to the maintenance of such schools and institutions."

The resolution was carried unanimously.

PRISON LABOUR AND DISCIPLINE.*

Prison Labour and Discipline. By SIR JOHN BOWRING.

THE purpose of the remarks to which I desire to call attention in reference to our prison discipline, as associated with our penal legislation, is to point out some of the leading principles which ought to be constantly borne in mind, with a view to the removal of the evils which result from their neglect or non-observance, and my observations will mainly apply to the subject of prison labour, not only when regarded as a means of diminishing the cost of crime and criminals to the community, but as an instrument of reformation, for transferring to fields of profitable industry, elements now so perniciously active in those of idleness and dishonesty.

The Prisons' Act of 1865 has left the question in a very unsatisfactory condition. Though it does not absolutely prohibit productive labour, it gives small encouragement to its employment, and enables magistrates, if such be their will, not only to waste all the work of prisoners, but by the use of the treadmill, cranks, shot drill, &c., to make labour a source of very serious expense to the public. The

* See *Transactions*, 1858, p. 383; 1867, p. 210.

Act passed in opposition to the great balance of opinions of the most experienced prison inspectors, and of the governors of the best conducted prisons in the country. Its provisions are utterly irreconcilable with the evidence furnished by the official returns from the prisons of the United States, of France, Germany, Belgium, Holland, and, indeed, of every country where the reformation of the convict, diminution of the expense of prisons, combined with efficient management, have been adequately considered. From a discipline too relaxed and indulgent the vibration has been to one of inconsiderate harshness and inflexibility. To punish more than to reform—or rather to regard punishment as the sole instrument of reformation, seems to have been the paramount purpose of the authors of the Act, an Act whose severity, in many cases, has been mitigated by unwillingness to commit offenders, and in others by a violation of its conditions under the influence of humane magistrates, and with the sanction, or, at all events, the non-interference of prison inspectors.

The most common fallacies urged against the extraction of pecuniary profit from the labour of convicts are—first, that the work done in prison ought not to be brought into competition with the labour of the honest workman. But, if it be remembered that the convict, if out of prison and honestly employed, would be a far more formidable competitor than when employed in prison; and, farther, that the cost of the maintenance of a convict to the public is far greater than that of the honest labourer to himself, it is certain that the honest labourer, being the master of his own arrangements, comes into the field of competition with advantages superior to those of the prisoner, and that the loss to the whole community is much greater in the case of prison labour than of the loss to the free labourer. Were it the case that prison labour tended to the lowering of prices, that would be an undoubted benefit to the consumer; but this lowering of prices could only be brought about at the public expense. The whole amount however, of prison production can be but very trifling in the general market, and can but triflingly affect prices. Again, it is said, that to teach the prisoner a trade in prison is to make him, when he is dismissed from prison, a formidable rival to the honest man who has never been in prison. And why not? Had he remained among the ranks of the honest, and been taught an honest trade—a state of things which every one must acknowledge is much to be desired, because society is better off without criminals or crime than with them—it is clear the public interest would have been saved by his remaining out of prison. And if, thanks to prison discipline, he can be placed in the position he might have occupied but for his offences, and instead of an idler, or sinner against the laws, he becomes a good citizen, a producer of wealth, a contributor to the public prosperity, who can deny that in his case a good work has been done?

The statistics of non-reformation are but too sadly gathered from the repeated re-committal of misdoers, but it would be difficult to obtain satisfactory returns of those upon whom prison discipline has had its intended effect. Our late legislation will place known

offenders, the ticket-of-leave men, more immediately under the eye of the police, but except from the non-reappearance of convicted men in the calendar, the salutary operation of penal enactments cannot be traced. What is the proportion of released convicts among emigrants to distant countries, and what proportion of these have entered upon an honest career? Of non-professional delinquents no doubt a considerable number locate themselves in places remote from the scenes of their delinquencies. I have been informed by intelligent governors of prisons that they have known many cases where, instructed in trades at home, under a proper system of discipline, men ashamed to re-appear among old friends or acquaintances with the gaol stigma upon them, have migrated to remote regions, and have raised themselves to opulence and honour. The most susceptible, and perhaps the most successful, of such persons would be the least likely to reveal their former history, or even to acknowledge the names they bore in the days of their earlier aberrations. To ease the irksomeness of prison life, works of wonderful beauty have sometimes been produced, and artistic taste displayed which lay hidden and undeveloped in days of carelessness and folly. Then, again, until the individual man shall be watched over and cared for, he will share the degradation and ignominy of the common herd of criminals, and that seed of good which is latent even in things evil be left wholly to perish.

The policy of our gaols is, as Bentham has remarked, to give a bad name—"hard labour"—to industry, the source of wealth and prosperity. Labour ought never to be made odious or infamous. "Economy," he says, and he might have added much besides economy, "is sacrificed to this grim phantom of hard labour in a thousand shapes, losing trades are carried on, aptitude for work neglected, labour made more intensely hateful, instead of becoming more attractive. Ingenuity seems to have been exhausted, science adapted, not to augment but to diminish the produce of gaol labour."

If an instrument were selected whose action should be that of maximised mischief and minimised good, the treadmill would take a primary place. Its invention was a calamity, its application is the opprobrium of our country, but only of a part of our country, as Scotland, where the management of gaols is usually under central control, has universally repudiated its employment. If it were desired only to inflict hard labour—labour of the very hardest and most intolerable kind—there are a hundred ways in which it might be done, done at little or no cost, and graduated to any extent of human suffering. But here we have a mill that grinds nothing but the wind, a treading that produces nothing but chaff, and this miserable result is brought about at an enormous cost. The last example of the introduction of a treadmill was in the Devon County Gaol. It cost 1760*l.*, being a charge in perpetuity, independent of necessary repairs of 88*l.* per annum. Cruel, unjust, and undiscerning in its operation, it is a great infliction on the weak and suffering, and is scarcely a penalty on the healthy and the

robust. The experienced gaol bird soon learns how to escape a large portion of its penalties, and to transfer them to his less practised and feebler neighbour. Nor, bad as is the last Prisons' Act, is its employment necessitated by legislative requirement. In very many prisons in England it is not introduced. The use of the crank is permitted by the Act, and cranks have at all events the advantage that they are less costly than the treadmill, and that the efforts required from the convict may be proportioned to his strength.

If the public opinion of the civilized world could influence the Legislature or the magistracy of Great Britain, the treadmill would be found only in those collections of instruments of torture, thumbscrews, iron masks and boots, wooden houses, pillories and stocks, which, having answered the purposes of barbarism, now form interesting objects in our museums as illustrative of the rude and rough manners of bygone times.

It is no doubt true that much latitude must be given both to the visiting magistrates, as to the sort of labour to be introduced, and to the governors of prisons, as to its distribution among the prisoners. The productiveness of a particular species of labour would be very different in different localities, and the previous habits, the health, and strength dependent upon the health, of the convict, have all to be considered. As a general rule, sedentary work is more productive than locomotive, and best adapted to those who are in confinement, but sedentary work makes a greater demand for outdoor exercise. The amount of labour to be required from a prisoner should indeed be regulated by a consideration of his health and aptitude. There, again, as everywhere, discrimination on the part of the prison authorities is all-important. The legislator cannot deal with individual idiosyncracies.

While so many of our prisons continue in a state of disgraceful unproductiveness, as for example the Devon County Gaol, where the earnings for many years have not netted a farthing a day, it is pleasant to report, by way of contrast, that in the Wakefield Prison the average number of inmates is 6269, of whom four-fifths are committed for short terms not exceeding three months. This prison is at present what many other prisons ought to be, viz., a regular manufactory with steam power. In the four years, 1865-8, the prison has purchased 159,176*l.* worth of material, and sold its products (chiefly mats) for 189,652*l.* cash, paid by the public over the office counter, and not mere artificial value, per official estimate (as in the case of much of the value of labour reported from English convict prisons). Average yearly stock on hand, 16,888*l.* Profit in four years (net), 31,132*l.* Annual profit (net), 7783*l.* Average earnings per worker, 7*l.* 14*s.* 4*d.*, or, including non-workers, 6*l.* 3*s.* 3*d.*

The mischief arising from the indiscriminate association of prisoners has led to a regulation almost equally pernicious—the invariable rule of isolation and non-recognition. It may be allowed that there are many cases where absolute and total solitude and separation may be the most useful discipline, but there are also many in which

association properly controlled may be made instrumental to reformation and to more profitable labour.

In the Massachusetts State Prison, Mr. Gideon Haynes, Governor, reports to the Howard Association, 1869, that in 1868 the prison labour of 558 convicts earned 126,151 dollars, cash, paid by contractors, which, after discharging all prison expenses, salaries, &c., left a clear net profit of 27,446 dollars. Average earnings of each prisoner, 226 dollars. Clear profits of prison over all expenses, 8000*l.* in two years, *i.e.*, in net revenue to the State.

The question of satisfaction to the injured person has been generally lost sight of in the penalties laid upon crime. It has been deemed sufficient to punish the offender without any consideration for the victim who has been the sufferer from the offence. Now there are multitudes of cases in which restitution might and ought to be made a condition of release; and, if by its enforcement, a criminal could be taught that crime would, as far as possible, be made pecuniarily unprofitable, the appropriateness of the penalty would be most striking and emphatic. * Cases undoubtedly there are where any amount of labour which could be exacted from a convict would be utterly inadequate to remunerate those who had suffered from his misdeeds. There are multitudes of cases, too, where no money value can be attached to an offence, but Bentham has laid down some principles for our guidance which might be made eminently useful. Retaliation seems a very natural dictate of justice. In the earliest laws of the book of Exodus we find "Life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burning for burning, wound for wound, strife for strife," repeated again in Leviticus, "Breach for breach, eye for eye, tooth for tooth;" and again reiterated in Deuteronomy, "No pity—life shall go for life, eye for eye, tooth for tooth, hand for hand, foot for foot," * while, in the Koran, Mahomet declares that retaliation is the most effectual preventive and the most proper punishment of crime. In the ancient Anglo-Saxon Laws a money value was attached to life, proportionate in amount to the social status of a man, so that a rich man might slaughter a poor man at a small expense, but no corresponding privilege was given to the poor man against the rich.† In China human life without distinction is valued at one hundred ounces of silver. Substitution of a victim is allowed for many offences. An old man serves the purpose as well as a young man; but on one occasion the Chinese authorities offered to the French ambassador two old men to be executed for an outrage upon a Frenchman, when he had refused to accept one.

In cases where the injury done can be estimated in money, compensation may be measured by the loss, and punishment by the profit

* When the great Christian teacher repudiates the law of retaliation, it is obviously only where it is intended to exercise it for the purpose of individual revenge. All his instructions associate penalties and punishments with guilt.

† The rates were 200 shillings for the murder of a serf, 1200 for that of a nobleman, 7200 for the murder of the king.

of the offence. Here, again, though law might, and ought to establish some general principle, much latitude must be left to the magistrate for its application to particular cases, both as regards the party wronged, and the wrong-doer. Restitution to a poor man is of far more importance than restitution to one who is rich; and the power of restitution must be very different as regards offenders.

Montesquieu lays great stress on the efficacy of penalties analogous to crimes. In the Buddhist Codes, for example, a liar is punished by having his tongue torn out, a drunkard by being chained on burning sands near a running spring, or a jar of fresh water placed just beyond his reach. One of the old laws of China directs that a murderer shall be exposed in a huge vessel of blood, in which he is doomed to drown or to starve.

As regards pecuniary restitution to the wronged, such restitution may often be enforced by summary jurisdiction, the punishment of imprisonment being awarded as the alternative. There are many cases in which a contribution of the profits of prison labour might be assigned to the wronged, and the length of imprisonment be made dependent on the fulfilment of the requirement. The same principle applies to the cost imposed by the criminal on the State, whether in the general administration of justice or by charges connected with his detention in prison. These expenses ought to be diminished in so far as profitable labour does not interfere with appropriate discipline.

One of the most prominent causes of the imperfect and unsatisfactory results of penal law, as applied to prison discipline, is the difficulty of finding fit instruments in the magistracy for carrying out the purposes of the Legislature. Though the lawgiver and the magistrate would probably agree that their objects are the same—that is to say, the repression of crime by the machinery of law—the functions of the legislator are confined to the adaptations of appropriate penalties to defined offences. He can only take a general view of the whole field to which his attention is directed. He classifies crime, but it is not his business to classify the misdoers who commit the crime, nor, indeed, would it be possible for him to do so, for no two cases are ever precisely similar in character, either as regards the act itself or the actor. The State provides the machinery by which the accused person is brought to the tribunal of justice. By the co-operation of the learning of the judge, and the sense of the jury, a verdict is pronounced of guilt or innocence. In the former case the convicted is handed over to the custody of the gaoler, with a certain amount of penalty attached to his offence. And here begins that course of discipline which ought best to provide for the interests of society.

But even when the legislator has done his best, or even the best for those interests; when he has as far as possible made the law intelligible and equitable, and provided the most fitting means for the efficient application of the law to those who have offended against its provisions, how much must be left in a state of uncertainty! One judge is stern and severe, another is humane and

sensitive. One forms a different estimate from another of the value of evidence; one is for maximising punishment to make it most deterrent; another would minimise punishment to make it more reformatory. One values authority much, and gives the harshest interpretations to the *lex scripta*, and makes testimony subservient to the strictest rules of evidence; while another takes a wider view, and allows a greater scope to probabilities, and to what is called "circumstantial" and indirect evidence. In truth, no judge can ever wholly divest himself of his own temperament, and that temperament cannot but influence his directions and his decisions.

In the case of the unpaid magistracy the state of things is much worse. The education of our judges, their long connection with their profession, their communication with one another, their experience, and their grave responsibilities, give the greatest obtainable security for the rectitude of their judgments, and the purity of their purposes. But many of these securities are wanting in the case of the unpaid magistracy. They are almost always chosen on account of their social position, seldom with reference to their special aptitude. Their knowledge of law is often bounded, their estimate of the value of evidence frequently erroneous. For the most part they are known—it can scarcely be otherwise—for their political partisanship, and their opinions often are the recommendation to their election. Then, as their number is considerable, there may be more or less present at Petty or Quarter Sessions. There are often discordant opinions both as to the character of the offence, and the punishment which ought to be inflicted. Sinister interests and prejudices too, give a colouring to their decisions. The hard-heartedness of country squires towards poachers has been the subject of many a satirical pen, and of many a well-deserved protest. Can the clergymen, of whom far too many exercise the authority of justices of the peace, be expected to look with quite an equal eye upon the schismatic who attends the Methodist or the Baptist conventicle, as upon the attendants at the parish church? May not the very name of infidel, Jew, or Catholic, awaken a certain amount of ill-will, perhaps almost unknown to the magistrate himself, though serving to influence his actions?

The criminal is disposed of, and handed over to the visiting justices of the gaol. Now there are scarcely two prisons that resemble one another in the details of their administration. Their management is as different as their cost. In some, productive labour is made a prominent object; in others it is wholly disregarded, and labour, far from being made profitable, is utterly wasted; and in many cases becomes a most expensive commodity, costly machinery being provided for the purpose of flinging labour away. There are prisons in which individual character is studied; the teachable, the reformable convict is separated from those whom no discipline can convert, no punishment deter. There are other prisons in which all the condemned are subjected to the same routine—one diet for all stomachs, one medicine for all diseases, one instrument for all pur-

poses. The expenses of prisoners in the same localities vary to an extent which would seem incredible. Take three prisons adjacent to one another in the county of Devon. In the prison at Exeter the annual cost per prisoner is 26*l.* 15*s.* 10*d.*, in Plymouth, 21*l.* 7*s.* 4*d.*, and in Devonport, 17*l.* 3*s.* 2*d.*; but these are trifling differences compared with those which exist in various gaols of the United Kingdom. Yet all are under the jurisdiction of the same law. The average annual cost of prisoners in this country is 25*l.* 17*s.* 11*d.*, the average earnings, 2*l.* 1*s.* 5*d.* Adding the cost of building, repairs, and other charges, amounting to 8*l.* 18*s.* 9*d.* per head, the net average cost of every prisoner is 33*l.* 7*s.* (Report, 1866-7.) While in some prisons the labour of robust men is wholly wasted, in that of Parkhurst the yearly average earnings of the women is 6*l.* 2*s.* 13*d.* In the convict prison of Chatham the produce of labour is 40*l.* 16*s.* 1½*d.* per man, in that of Portland 30*l.* 1*s.* 5*d.*

There is much truth in an observation of the *Pall Mall Gazette*, that the costliness of our prisons is one cause of their inefficiency.

The latest report of the prison inspectors in Ireland is staggering from the account of the variety of cost, and the wretchedness of the results. In the county gaol of Trim the average expense of prisoners is 83*l.* 17*s.* 6*d.* each; the average cost through the country, 36*l.* 11*s.* 1*d.* As to reformation, 25 per cent. of the females had been more than seven times previously in prison; of the men five times. There is a case of a woman having been committed 224 times; another 207 times. Surely such facts will compel inquiry, and necessitate reform. If nothing else, will not the demands of economy make themselves heard?

Every new revelation throws light upon the anomalies and abuses of the existing system. The last reports of the prison inspectors show that the net cost of prisons in different localities varies from under 20*l.* to above 100*l.* a year; that is to say, it is five times as much in some places as in others. The number of prisons might be greatly reduced, their expenses thus greatly diminished, their efficiency greatly increased. If, as has been suggested, one prison were used for every assize district, seventy buildings might be disposed of, their value realised, their repairs and other expenses saved. Unproductive labour, or labour whose value is minimised or wasted, and still worse, where, as in the use of treadmills, cranks, and other machinery, the labour, instead of a source of profit, is made an instrument of entailing heavy expense, is one of the opprobriums of our English administration. But so wedded are many of our magistrates to habits of routine, that the grievances will never be removed except by Parliamentary action.

As a matter of economy the expense incurred in the architecture of our prisons is well worthy of note. Internal fitness has been too frequently sacrificed to external appearance. The outside of our gaols have often a palatial character. Were they fewer in number they would be much less costly in their erection and in their admin-

istration, and might be much more easily adapted to all the great purposes of prison discipline. Every charge would be economised, productive labour made much more efficient, when there were a large number of men to be dealt with. Separate trades might be carried on in separate prisons, specially adapted to the particular objects, and those in charge might be selected in consideration of their personal fitness. The Belgium army is clothed by the labour of the prisoners. The press work of the Indian Government is done in one of the Bengal Gaols. Agricultural labour may be employed in localities where circumstances facilitate its introduction. Under proper encouragement beautiful works of art and complicated machinery have been the result of prison isolation.

Penal legislation will never accomplish the work it ought to propose to itself—that of minimising crime at the least cost of suffering—until it shall consider every individual criminal deserving of individual attention, until it shall find the appropriate remedy to be applied to every particular case. Not that the justice or the gaoler can be expected to distinguish all the shades, the minuter shades which mark the intensity of the guilt, or the prospects of reforming the guilty, but at all events there are methods of grouping prisoners, so that at one end the most hopeful, and at the other the least hopeful or the utterly hopeless, may be found. All experience shows that there is a class of misdoers upon whom rewards or punishments will be equally wasted, if employed with a view to their reformation. In such cases, reformation being unattainable, the prominent question becomes, How can their work be most profitably employed? When long terms of imprisonment are awarded, such men may be compelled to make large restitution for the injuries they have done. Setting apart, then, these desperate and, it is believed, exceptional cases, the proper grouping of all that remain becomes a prominent matter for consideration. The non-habitual criminal—he who by hard necessity, strong temptation, feeble intellect, or circumstances which may properly be called extenuating—he who repents of his errors and aberrations, less because they have brought suffering upon him than because he has convinced himself that honesty and good conduct are the best and the wisest policy, should be the object of a discipline of which reformation should be the main object; and every effort should be used to remove him from the ranks of the violators of the laws to those of the observers of the laws.

Though the law proposes to deal inexorably and impartially with crime and with criminals, yet the amount of criminality to which the same penalties are attached may be very different. I recollect, when a little boy, seeing a man hanged for stealing a sheep, when it was proved in evidence that his starving children had devoured the meat raw. The sheep was stolen from a rich farmer. The impression left on my mind was that the law, and the judge, and the jury were more cruel and criminal than the man whom they had brought to the scaffold. Now, in order to obtain a respect or reverence for law, there should be a general sense that the law is

equitable, and that it attaches an appropriate penalty to crime. It was because public opinion condemned the brutality of our laws that so many offences formerly visited by capital punishment are now subject to penalties far less severe. Nay, many a crime, or what was once deemed a crime, as sorcery, witchcraft, heresy, and others, upon which the punishment of death was unpitifully inflicted—and be it admitted that not only popular opinion, but popular passions sanctioned and helped to enforce the terrors of the law—has disappeared from our Statute Book.

Whether from want of education, habits of inebriety, or other causes, it should not be forgotten that the intellectual aptitudes of the criminal classes, the faculty of clearly distinguishing right from wrong, and of weighing the profits and risks of crime, are far below the average. From the position in which they stand, respect for the persons or the property of the opulent will be necessarily much feebler, and the atmosphere that surrounds them drearier and darker than that of the more happily-placed orders. Their standards are not ours, the sensibilities which in the minds of the well-trained are so acute are in theirs either blunted or non-existent. If from a purblind man you can expect no accuracy of vision, or from one nearly deaf no thorough appreciation of sounds, so from the outcasts of society you cannot expect a reverence for its ordinances. The best means of eradicating this worst of evils, this source of such multitudinous social maladies, by other than penal action, this is not the place to discuss.

But it is instructive to form a proper estimate as to the amount of insanity which is found among the criminal ranks.

It is not always easy to draw the line between that state of mind which makes a misdoer responsible for his actions, and that where lunacy may be fairly pleaded on his behalf. Cases there are, no doubt, where passion creates a very frenzy, which is temporary madness, but which no British tribunal would allow to be pleaded as an excuse, or even as a palliation of crime. In France, however, this plea, under the name of “mitigating circumstances,” has too often been allowed to interfere with the demands of justice, and the protection of the citizen from violence. The official reports of the proportion of insane persons among criminal prisoners show that the amount of insanity is immensely greater than among the general, and especially the proletary or poorest population. “Great weakness of intellect” is pointed out by the late Lord Advocate of Scotland as prevalent among those brought into the Criminal Courts. In the great prison at Perth, one prisoner out of every nine is reported to be more or less insane; one out of every 140 irresponsibly so. There are in England and Wales 1244 criminal lunatics confined, of whom 799 became insane after sentence, and about one-sixth of the whole number of persons tried for murder were acquitted on the ground of insanity. The unsatisfactory state of the law in reference to this subject has led a number of eminent physicians to concur with the Howard Association in recommending the appointment of a Royal

Commission to examine into the whole question of criminal lunacy.*

The discussions connected with death-punishment have introduced very many important changes in our legislation. To precede its infliction by lingering torture is now happily utterly abhorrent to the public mind. Executions within the prison walls having been disassociated from those horrible and brutalising surroundings, exhibit another mark of progress; and the example of many foreign nations which have abolished this dreadful *finale* to earthly hopes or fears is likely to influence our own law-makers. What cannot be denied is that reverence for life—an increasing sense of the responsibility of those who destroy what they cannot restore—is one of the surest marks of the progress of civilization. Among savages death is little feared, and life often as little valued. The rich uses, the high purposes, to which this great trust invites us, must be more and more appreciated as we learn what we are, and what we may be.

Bentham's objections to the punishment of death may thus shortly be summed up:—

- (1.) That it is inefficient, especially so when compared with other means of punishment.
- (2.) That it is irremissible, no change being possible, whatever after circumstances may elicit.
- (3.) That it tends not to diminish but to produce crimes.
- (4.) That it enhances the mischiefs which the power of pardoning confers.

His address to his fellow-citizens of Frome he concludes with the expression of his conviction that "while reform will satisfy the hopes of patriotism, it will also satisfy the yearnings of humanity."

As regards punishments in general, I know not that anything can be added, except by way of illustration, to Bentham's views in his *Principles of Penal Law*, that the measure of punishment should outweigh the profit derived from the offence; that the greater the mischief, the greater should be the punishment; that when two offences are in competition, the punishment for the greater should be sufficient to induce the offender to prefer the less; that the character of the punishment should be adapted to the character of the offence; that the magnitude of punishment should be increased as it falls short of certainty and proximity; that acts indicative of criminal habits should be dealt with more severely than isolated acts. These principles carried out in their various ramifications afford a very solid foundation for the enactments of a criminal code.

* The judicial statistics from 1857 to 1866 show that there have been 2285 coroners' verdicts for wilful murder, that 664 persons were tried, that 231 were convicted, that 108 were acquitted as insane, and only 135—not amounting to 6 per cent. were finally executed; that is an average of between thirteen and fourteen per annum. It may be asked whether this enormous disproportion between the accused and the condemned does not demand a thorough investigation into the causes of the discrepancy.

A great movement, which it is believed will lead to important results in the promotion of prison reform, is now in progress, and was specially referred to in the emphatic address of our President. It is proposed to hold next year an International Congress in some European city, probably in London. An extensive correspondence with the leading influences in America has been for some time in activity, and the principal states of the Union have expressed a desire to co-operate by sending delegates. Many of those who have taken part in the questions of penal laws and prison management have been consulted in various parts of the civilized world, and have given every encouragement to the suggestion which originated in New York, and to which the responses have been most satisfactory and encouraging; and to the appeal which has been made to our Association I cannot doubt there will be sent an encouraging and cordial reply.

DISCUSSION.

MR. FREDERIC HILL: I entirely agree with what has been said in regard to capital punishment: it alone is a subject which would fully engage our attention for hours. As regards criminal lunacy I would merely make this observation: I believe that if our system of punishment were what is desired—if capital punishment were to cease to exist, and no punishment were to be inflicted which was beyond reparation—the distinction between criminal lunacy and other lunacy—often most perplexing to be able to draw with anything like satisfaction—need not be observed at all. The only question, in my humble opinion, should be, is it safe for the man at the bar to be at large or is it not? Is his proneness to commit crime a danger to society if he be allowed to be at large? Whether such a man's acts proceed from an infirm state of mind or from whatever cause, the result should be the same; he should be separated from society and confined until he can be safely restored to society. In many cases we know the period will never come; but it is for such a person's benefit as well as that of society, that the gates of society shall not be opened to him. Therefore, I am of opinion that under a good system of punishment questions regarding criminal lunacy would cease to exist. With regard to matters more immediately effecting my own experience in the discipline of prisons, I would say that I agree very much with what Sir John Bowring has stated. It is now more than thirty years ago since I had the pleasure of witnessing the destruction of the last treadmill in Scotland, and since that time no treadmill has been erected in that country. I have an utter detestation of the whole system of such disgraceful labour. A person is sent to prison, why? In many cases because he has no taste for industry. He will not work, and he lives in idleness. Often, indeed, he has never learnt a trade. But how do you give him a taste for industry? By setting him to work at something which he abhors, and which produces nothing. Now, any one who has the slightest knowledge of human nature must know that this is a wrong method of procedure. You must treat your erring citizen as you would treat your erring child; and if you do that you will be right. If he has not learned the means of getting an honest livelihood, teach him. If he has not acquired habits of early rising, habits of steady industry, pride in his work, give them all to him. After you have done all that can reasonably be done, and experience proves the result to be a failure, the next time you have him in your charge keep him long enough. The statements, such as those given by Sir John Bowring, that two women had been in prison 200 times, would soon cease to exist. But I knew an even worse case in Inverness, where a woman had been sent to prison more than a thousand times. As regards the costs of prisons, I

reported on this subject twenty-five years ago, when I contended that there was no real excuse for the great expenses some prisons incurred. We know what has been done in the case of juvenile offenders by the establishment of voluntary juvenile prisons—voluntary in the sense that they are supported by volunteers; under the name of reformatories. We know that before these reformatories were established the management of boys and girls in most prisons was disgraceful in the extreme. Fortunately these reforms were established; and then a contrast was immediately made between the results of the reformatories—their cheapness, and success in preventing the recurrence of crime, and those of the ordinary prisons. The consequence was that the prisons to a great extent, were emptied of this class of inmates. They are under very much better management than they were before, they cost the country less, and there is, as a consequence, less danger of the recurrence of crime. Mr. Baker has proposed to do the same with regard to adult prisons—to have them under voluntary management. The results would be most rapidly perceived, and if the system were a failure it could be speedily discontinued. But I venture to predict that, when such a prison is opened and is put under such a management as that Mr. Baker has described, for very shame great improvements will soon be introduced into our ordinary prisons.

Mr. GEORGE HURST said that the most important part of the paper that had been read related to productive employment in prisons. It did seem to him a most extraordinary thing that at this day there could be found persons who advocated a system of idleness. The great object of prisons was not to punish but to reform. Prisoners, like all the rest of people, were the creatures of circumstances, and many a bad man had been made what he was by the force of circumstances. A man was kept in prison upon unproductive labour, in which he learned nothing. He neither did good to himself nor to the community. The result was, that on leaving the prison, however he might have shown an inclination to do better and reform his course of life, he had no chance whatever except to resort to his old employment. Therefore, no chance of amendment was given him.

Mr. BARWICK BAKER said that the question of short convictions was a more serious and a more important subject than prison discipline. If on a second, a third, or a fourth conviction, the prisoner were invariably sentenced to a long term of imprisonment, that would be much more effective than anything that could be done in prison while the offender was confined there. The Habitual Criminals' Bill, when it was introduced into Parliament, provided that on every third conviction the prisoner should be sentenced to penal servitude for seven years; but that would unquestionably be too severe a punishment. He hoped, however, that the Legislature would enact something of the kind of a less severe character. In the Manchester prison in the course of the year 129 women were found, each of whom had been convicted for more than the thirtieth time; one, indeed, had been convicted 139 times. Mr. Baker then defended the unpaid magistracy of the country, and advocated the establishment of adult reformatories, which he would have co-exist with gaols, which should be the last resort.

Mr. HASTINGS remarked that for some time past he had been of opinion that three improvements were required in borough and city gaols. First, there should be uniformity of treatment, towards the attainment of which great steps had been made by an Act passed not long ago. There must be one best system of prison discipline, and that should be ascertained, and carried out all over the country. The next thing was, undoubtedly, that the work in prisons should be made productive. He had always been of opinion since he began to pay attention to the subject that nothing could be worse in every way than inflicting punishment for the mere sake of punishment. He believed that the introduction throughout our prisons of productive labour, would, in time probably lead to an introduction on a larger scale into our penal system of the plan of fines, the plan of pecuniary reparation for offences. As long ago as 1856 he brought this subject before the Economic Section of the British Association, which was the first time in which it was propounded. He believed this to be the best plan of teaching a thief the grand moral lesson that honesty was the best policy. He should be made to pay double and treble the amount of money he had stolen, or other injury he

might have inflicted; and by the time he had got to the end of his payment he would come to the conclusion that it would have been better for him to have let his neighbour's goods alone. Thirdly, the system which had been found to work so admirably in our convict gaols, should, as far as possible, be adopted in our prisons—that of gradual release. This would harmonise with his friend, Mr. Baker's proposal: for when a prisoner showed sufficiently that he was desirous of reforming he might be sent to one of the adult reformatories that had been suggested, that he might there work the rest of his time under conditions of more freedom than was allowed in the prison. The system that had been so long followed in this country—that of giving a man a definite punishment, and then turning him again upon the world was exactly like forcing a spring down by your hand; it rose immediately after the hand was removed. The man was imprisoned for a certain period, and at the end of the time the whole matter passed from his and their mind; he felt that he had suffered for what he had done—had given satisfaction, and he went to do what he had done before. By a gradual system of release the prisoner was taught to observe his duty to those around him, and by that means he was most effectually prevented from relapsing into crime.

Mr. ALFRED ASPLAND was acquainted with northern gaols, as a magistrate, and he had had twenty years' experience in a military hospital as a surgeon. It would be found that the least civilized nations practised the greatest amount of torture in their punishments, and that advancing civilization was signalled by a diminution of torture. The flogging of gartotter, although richly deserved, was dangerous to society, because it brutalised the people, and if it checked the gartotter in his special line of business, it had increased the number of robberies with violence, and of offences against the person. In the quinquennium ending 1868, the crimes of violence increased 16 per cent. upon the same period ending 1863, although the total crime of the country for which prisoners were committed had only increased 10 per cent. This return left us little to congratulate ourselves on in this experiment in penal legislation. The unprofitable prison labour, the air-grinding treadmill, the crank and shot drill, were especially irritating to prisoners, and hindered reformation, for their tendency was to crush manhood and to produce feelings of exasperation which sooner or later found vent in outrages upon society. Shot drill, the raising and dropping of a fourteen pound weight, with knees straightened, was a truly barbarous punishment. It was usually continued for an hour at a spell, and repeated four times a day. It produced tumultuous action of the heart and lungs, and, if there was the slightest tendency to disease in these organs, advanced it rapidly and tended to destroy life. Statistics teach us that where prison earnings are high recommitments are less frequent.

Mr. BAKER said: While I fully agree that prison labour ought to be as productive as possible, less for the sake of the actual money gained than for the effect produced on the minds both of present criminals who are to be punished, and future criminals who are to be deterred, yet I doubt greatly whether the slight remuneration that can be obtained by labour in our present prisons in England will ever be of importance. In countries like America, where out-door labour is scarce and highly paid, such labour as can be carried on in separate cells will be highly paid in proportion, but in England, except amongst a manufacturing population like Wakefield, or where the majority of the prisoners are under long sentences, I have little hope of seeing prison labour much improved. But by a system of adult reformatories, to which the Secretary of State might remove prisoners, who on their second convictions should have been sentenced to twelve months' detention, the labour might be made more wholesome both to body and mind, and nearly, if not quite, self-supporting. Such a plan might be tried without new laws or grants of money. I am, and long have been, ready myself to undertake the work without a shilling of additional cost to Government, or even (for this is an important matter) without altering the present system of accounts so as to give additional trouble to the clerks. It only requires the aid of the Home Office, which will be given when the people care more about preventing crime than enjoying an exciting description of it.

Mrs. MEREDITH said: In French prisons women are taught remunerative employment, and paid at prison value for their labour. Their wages are paid

daily in paper currency, which is negotiable for food only, and without which no food is obtainable, unless in case of sickness, when it is supplied on credit, to be repaid on recovery. A selection of diet is permitted the prisoner, who in this way is able to reward her own industry, and adapt her regimen to her health. This natural ordering of affairs has good results on prisoners' tempers and future capabilities. Facilities for saving their profits are given the women. They receive them on discharge, and no gratuity beside the favour of being conveyed at the expense of the State to their native province or country. They had less difficulty in procuring employment for them than for women who, on liberation from our penal servitude, are thereby rendered less able to earn their own living than other women. It ought to be the aim of our penal discipline to bring up convict women to the ordinary standard of working women. Our present system depresses them, and ejects them into society disabled for honest labour, and increased in power to pursue criminal life.

Mr. J. S. URCORR, as a large employer of labour, felt deeply the necessity of subjecting young persons, for first offences and offences of a moral character, to summary punishment, instead of exposing them to contamination in gaol and to the disgrace, in after-life, of having been in one.

Mr. T. WYLES said he could discover no difficulty in giving labour sentences comparable to the moral value which necessarily attaches itself to this mode of punishment. Two great principles underlie all modes of criminal treatment—the restitution to society of the wrong done, and the reformation of the criminal; and no system would be justifiable that did not accord with them, whilst that system would be best which most encouraged these objects. He would commit a man to hard labour—profitable labour, not for any definite time, but until he had restored the loss his crime had entailed, and refunded to the State the costs of his punishment. It would hardly be possible, with the best organisations of labour jails, to make a person's labour so profitable in jail as out of it. By such a mode of punishment, then, criminals would soon learn that crime was more costly than honest labour. Say to a criminal—in fact you need not say it in words—so soon as he enters a jail, “You eat nothing till you have earned it, and of that we must have a large share for prostitution and jail costs, so that you only eat a part of what you earn.” Let him further feel that you value his life so lightly that if he chooses to die rather than work he is quite welcome to do so; and the moral effect must be greatly more than we could at present estimate. The difficulty arising from varied capacity was emphatically the difficulty attending the system. The only practical solution that he saw was, that the principle could not be absolute, and he saw no insuperable difficulty in such modifications, on the judgment of an efficient board, as should adjust labour sentences fairly to the capable and the incapable.

Rev. A. N. BLATCHFORD said that when we were talking about making punishment reformatory, about making a prisoner a better man, and giving him a chance in the world, we must ask ourselves what was due from society to the criminal who came out of gaol. It was all very well to tell him to work and learn honest habits; every door but that which leads to the felon's dock was closed against such a man. Unless society was prepared to recognise a man's honest efforts to rise again, all our talk about the reformatory nature of punishment was so much empty air.

Mr. BAKER said that through the operation of the Discharged Prisoners' Aid Society, work had been found for all discharged prisoners in the county of Gloucester since 1864.

Mr. MURRAY BROWNE, as secretary of a London society, said there ought to be one for every gaol. His society dealt mainly with Coldbath Fields Prison and Maidstone Gaol; it endeavoured to assist every discharged prisoner whose conduct had been good, and who needed assistance; it had helped considerably over 1000 persons, and no man had ever been turned adrift because work could not be found for him. There had been difficulty in the cases of educated men; but little in the cases of men fit for hard work. The agent always told an employer a man's antecedents.

Mr. HERBERT SAFFORD bore testimony to the beneficent operations of this society, whose agent, a man who had been twenty-five years in the police force, made special inquiries into certain cases, found suitable employment for discharged

persons, gave them what they required, and visited them periodically; and in this way, in the majority of cases, discharged prisoners were restored to respectable society.

Sir JOHN BOWRING acknowledged that in American prisons the demand for productive labour was pushed too far when the labour was sold to contractors who were able to violate prison regulations; yet, making allowance for that, our prison and reformatory returns were a lamentable contrast to those of the United States. He was glad to hear what Mrs. Meredith said respecting France, but there the government exercised an interference which was inconsistent with our system. Last year the prison returns showed 180,000*l.* in productive labour. The minister compelled a certain amount to be enforced, and gave it a pecuniary value; and as the convict was rewarded in proportion to his industry, he had a motive which was not supplied in this country, where we set up costly machinery, in the shape of treadmills, to produce waste. Many were sent to prison who were irreclaimably bad, upon whom prison discipline was lost, and with whom, therefore, it was impossible to do more than exact from them as much compensation as possible for the injury they had done society; and it was to be regretted that no discrimination was made between such prisoners and those who were unfortunate enough to have committed a misdeed in a moment of temptation. He could adduce many instances of men who, after the discipline to which they had been subjected in prison, were afraid of showing their faces in the family and society they had disgraced, but who, when a door had been open to them in places where they were unknown, had changed their names and become respectable citizens. If instead of teaching a man to abhor labour and consider it disgraceful, we made it an advantage to him, and then opened to him a door of penitence and of hope, we might make him a supporter instead of a breaker of the laws. But we must look into individual cases, and it was idle for magistrates to say, "We can't draw these distinctions—we must have one medicine for all diseases, one treatment for all crimes." There was proverbially "Honour among thieves;" he knew there was affection too; and in dealing with them we must see whether in evil there was not some good—whether in the tendency to crime there was not something which might be developed into virtue—whether there was not some element of character which could be worked upon for reformation. The American system, with its defects, was pervaded by a philanthropic spirit. Let any one compare the discussion at our Quarter Sessions, with the kindly, philosophical, and Christian language of the American reports, which treated the individual as a sinner on whom good might be impressed. In conclusion, referring to the inequality in the cost per head of prisoners in different gaols, and to the fact that the committals were 8 per cent. less in gaols where labour was productive, he endorsed the suggestion that there should be a congress of the governors of gaols.

The CHAIRMAN, in summing up, said he was quite of opinion that labour in gaols ought to be made more productive, and the result pecuniarily might be great; for prisoners cost us 257,000*l.* a year, and it had been shown that, whilst they earned 1*s.* 3*d.* per day in picking oakum, they could earn 7*s.* 3*d.* as tailors, 9*s.* as shoemakers, 8*s.* as watchmakers, 2*s.* 7*s.* 4*d.* as brickmakers, and 2*s.* 3*s.* 4*d.* in quarrying. Our system of secondary punishment was lamentably defective, for by abolishing transportation we had made a gap which we had never filled up. As the land of society was against the discharged convict, it was the duty of the Government to assist him to emigrate. When a man like Mr. Baker was willing to give up his time to the difficult task of reforming adults, he ought to be encouraged in every possible way. One great evil of our present defective prison discipline was want of uniformity, and, whether there would be a congress of gaolers, or any other congress, he hoped the time was not far distant when prisoners would be better classified than they are at present. The more he heard of these discussions, the more he saw of reformatories, and of every endeavour to arrest and prevent crime, the more was he impressed with the conviction that that which alone could go to the root of the matter was a really Christian, useful, practical, and industrial education. He moved:—

"That this Section desires to impress on the Council its opinion that the present state of our prison discipline is still extremely defective, especially in the case of female prisoners; that the labour of prisoners might be rendered more

productive; that unproductive labour on many accounts is contrary to good public policy; and that a greater uniformity of system ought to be introduced into our prisons."

The resolution was passed unanimously.

Professional Crime. By Mr. SERJEANT COX.

IT was my lot to be the first judge on whom was imposed the duty of interpreting and putting in force the principal provisions of the Habitual Criminals Act. The very considerable experience of its application thus afforded has exhibited some of its errors and defects, and I bring the latter under the notice of the congress, in the hope that they will be supplied by legislation during the next session of Parliament.

The Act has many inaccuracies due, doubtless, to the haste with which it was carried through committee in the House of Commons during the last hours of the Session, when a multitude of alterations were made without duly considering how the changes effected in one part of the Bill bore upon the provisions of other parts of it. I do not dwell upon these now, my purpose being, not to amend errors in that Statute, but to suggest supplementary provisions necessary for accomplishing the object for which it was professedly framed, namely, the better prevention of professional crime.

So far as it goes, the Act undoubtedly makes a great improvement in the criminal law. It recognises the principle that "habitual crime" is to be dealt with differently from casual crime. By subjecting a person twice convicted to police supervision for a long term of years, and expressly declaring what shall be the consequences of that supervision, it will impose upon a large class of offenders great future difficulty in the pursuit of their dishonest calling.

But something more than this is required. The Act partially fails, because it has recognised an insufficient and even incorrect definition of the class of criminals whom it was designed to destroy. All professional criminals are habitual criminals; but the reverse is not true; all habitual criminals are not professional criminals, and above all, the fact of a former conviction affords but slight proof that the convict is either a professional, or even an habitual, criminal.

All who are familiar with the criminal courts, in the provinces especially, will remember multitudes of instances in which men, women, and children have been twice or even more often convicted of petty pilferings, which are larceny in law, and to be put in evidence against them as such, who are not in any reasonable sense of the term *habitual* criminals, and in no sense *professional* criminals. For this large class of criminals, who are the majority of those convicted a second time, the recent Statute was not designed; and yet it operates upon them quite as severely as upon the professional criminal for whom it was designed.

Then, again, while affecting those for whom it was not intended, it does not sufficiently grapple with the class for whom it was

intended—the professional criminals ; by which term I refer to those persons with whom crime is a business ; persons who learn it, practice it, and live by it, and are criminals by calling. For this class of professional criminals punishment is a very imperfect remedy ; they can only be dealt with effectually by prevention. Punishment is taken into their calculation of chances as part of the necessary risks of their business, and they count upon a certain number of months in prison as against so many of profligacy and so much profit of their crimes. Mercy is wasted on them, for they have no repentance, and after a short imprisonment they return invariably to their old haunts and their old associates. They are known to the police almost to a man ; they have their own quarters in the metropolis and some of the large towns, and if the order were given, the police could seize the entire community in twenty-four hours.

The requirement is to separate, in contemplation of the law, this class of professional criminals from the casual criminals and deal with them exceptionally. Our object with them is not reformation, but to make their business unprofitable. As they count the chances, and set off profit against penalty, the law should seek to make the penalty so heavy and the difficulty of conducting their business so great, that it shall exhibit but a small margin of gain, and thus deter them from adopting crime as a profession by making it an unprofitable one.

The first step to this will be for the law to give them their proper designation of “professional” criminals, and then to define accurately what shall be deemed to constitute a “professional” criminal. To be such should be *per se* an offence, and any person charged with being such should be subject to be summoned to appear before justices to show cause why he should not be declared to be a professional criminal. Sufficient grounds should be shown for the charge, and he should be called upon to give good account of himself, which he should be permitted to do by his own oath and by witnesses. If the justices are satisfied that he is a professional criminal within the definition of the Statute, they should declare him to be such, and thereupon he should be subject to police supervision, and the consequences of that supervision as declared in the “Habitual Criminals’ Act, 1869.”

If this should be thought too great a violation of the principle that all men are to be presumed to be innocent until proved in due course of law to be guilty, and that criminals are not to be dealt with by repression until convicted of crime,—the remedy next in efficiency to this will be to treat the fact of being a professional criminal as an offence *per se*, but of which cognisance is to be taken only when he is charged with the commission of some indictable offence. Then the fact that he is a professional criminal should be charged in the indictment, in a separate count, to be tried separately, precisely as is at present the charge of a former conviction. When the prisoner is convicted of the particular crime for which he is then indicted, the jury should be charged to try if he is a “professional” criminal,

This should be proved by evidence of facts bringing him within the legal definition of that character, and it should be permitted to the prisoner to be sworn, if he desires it, and to give his own account of himself, and to call witnesses to prove what are his pursuits and habits, and the jury should find expressly, on such evidence, if they are satisfied that he is, or is not, a professional criminal.

If so pronounced, he should be subject even for the first conviction to a long term of penal servitude; for mere imprisonment never deters a criminal of this class from the pursuit of his calling. If he knew that the set off against his dishonest gains is a long slavery, he will probably calculate that the profit of crime does not compensate for the cost of it.

Police supervision without limit of time should always attend upon such a conviction.

Former convictions, are not now made known to the jury until after verdict, on the assumption that their judgment might be warped by knowledge of the prisoner's character. But, in fact, the former history of the prisoner is, in the majority of cases, a material ingredient in the formation of the judgment upon the particular charge and an additional chance of escape is provided for criminals who make such chances a part of the calculations of their business. Sifted, as every case is now, by the combined intelligence of judge, counsel, and jury, there is no real danger of any injustice arising from placing before the court, as part of the evidence for the prosecution, a fact so material as that the prisoner is not new to crime. The Habitual Criminals' Act has permitted this to be done in the cases of receivers formerly convicted. It should be extended to all criminals.

Another improvement in the law is greatly required. Every judge and magistrate administering the Criminal Law is sorely perplexed how to deal with juvenile offenders. It is neither possible, nor desirable, to send all of them to reformatories. Whipping, not a gaol, is the appropriate punishment for boys. A judge may order whipping for a boy under sixteen convicted on indictment. But this is too short a limit of age. Cases continually occur, where a smart birching would be more dreaded by a youth of twenty than an imprisonment for a year, and the whipping would not morally ruin him, as does a gaol. The power to whip should be extended for indictable offences to twenty-one years of age, and to all ages for crimes of brutality or cruelty.

But magistrates have no power to order whipping, and they are accordingly daily perplexed how to deal with boys guilty of offences for which the law imposes a pecuniary penalty they cannot pay; the only alternative being their committal to prison. Magistrates are rightly averse to blight the character of a youth by sending him to a gaol even for a few days. But what can they do with him? To let him go unpunished is to encourage offences by impunity. Besides, the person injured demands protection from petty depredations, or wanton injury, or annoyance. There is no question in my mind as to the appropriate punishment in such

cases ; it is that which a father gives to his son—a whipping—at once dreaded by offenders, and therefore deterrent, and free from all the objections that present themselves to imprisonment in a goal. No greater improvement could be made in our law than to give to justices the power to order a limited amount of whipping with a birch, in lieu of imprisonment, to boys under twenty, for offences punishable on summary conviction by imprisonment.

One other improvement remains to be described. It is important, not merely to facilitate the conviction of receivers of stolen goods, but to sow distrust between them and the thieves. This double object might be gained by encouraging the thief to assist in the detection and punishment of the receiver, who is by far the most noxious criminal of the two. Let the receiver be *separately indicted*, and let the thief be a competent and compellable witness against him, requiring the same corroboration as is required in the case of accomplices when admitted as witnesses.* Not only would this much facilitate the conviction of receivers by supplying some of the links of the chain of evidence through the absence of which they now too often escape ; but the knowledge that he would be liable to be betrayed by the thief with whom he deals, would make the trade of a receiver so dangerous as to deter many from following it who now do so in a not unjust reliance upon those difficulties in the way of proof which make the receiving of stolen goods almost as safe a business as it is a profitable one. By compelling the thief to convict the receiver, we should make the business so unsafe that it would be unprofitable.

Sanitary Police. By A. HERBERT SAFFORD.

THE question of the advantages to be gained by the employment of a sanitary police force may seem at first sight to come scarcely within the province of repression of crime. But knowing, as we do, that drunkenness, violence, and prostitution may be traced to the influence on the mind of foul dwellings, stifling workrooms, enervating employments, and houses where vice and disease are engendered alike, we may concede that the application of a police force to the repression of these evils may fairly be considered within the reformatory work of this Association.

For many years the attention of succeeding Parliaments has been directed to the laws affecting public health and safety. The report of the Registrar General in 1839 first attracted attention to this important branch of social science ; shortly after appeared the fourth report of the Poor Law Commissioners, and then the well-known

* It was objected by Sir C. Rawlinson, that the thief may now be received as a witness against the receiver. True ; but they are jointly indicted, and the evidence of a criminal, standing by the side of the receiver, is looked upon with an aversion that would not be so much felt if he appeared only in the witness-box.

report of Mr. Chadwick on the condition of the labouring classes, in 1842. Then came the first report of the Health of Towns Commissioners. Stirred as the public mind was by the fearful revelations, the more horrible for being clothed in the simple language of an official report, the Houses of Parliament after some delay acted upon the obvious suggestions of the reports we have named, and produced from time to time the Nuisances Removal, Lodging House, Public Health, Vaccination, Metropolis Local Management, Factory and other Acts of a like character.

But so strong is British prejudice in favour of old customs, that these Acts are not compulsory but permissive. You may adopt the regulations or not as you choose. If the majority of the leading inhabitants are manufacturers of ill smells and noisome vapours, the tender legislation permits them to retain their nuisances. Again, the smallness of the respective districts under local vestries is another objectionable feature of the present system. An obvious nuisance may exist a few feet out of the district it chiefly injures without the slightest power existing on the part of those aggrieved to put an end to it by the action of the local authorities, and as for proceeding at their own expense, the enormous charge and delay of conducting prosecutions of this nature, puts quite out of the question the prosecution of the offender by private individuals.

It is a satisfactory salve to the consciences of some persons to throw the fault of all existing evils on "the Government." In this case they cannot take the "flattering unction to their soul;" governments have done much, parishes little. These statements may seem the exaggeration of an over-carnest advocate, and therefore permission must be asked to make a few quotations from leading publications in confirmation of these assertions, sweeping though they may appear to be. First, let us take the organ of the liberal party—*The Edinburgh Review*, vol. 91, p. 223. "It is in truth a fond hallucination that local elective bodies are now practically responsible to their fellow citizens, whose money they dispose of, and whose services they profess to have at heart. No people, we verily believe, having the interests of their fellow creatures in their hands, are generally more callous, more confident in their official station, more scornful of valuable counsel, and less amenable to ministerial or legal responsibility, than the great majority of these elective bodies." Some few years after, in 1865, the Conservative organ, the *Quarterly Review*, says, "There is reason to fear that in some parishes the laws relating to health are not executed even with that vigour the case allows. Too much regard for the interest of small landlords, too little appreciation of the public welfare, too great reluctance to employ the parish funds for sanitary purposes, these are the causes why in many districts the Medical Officer of Health is hampered by the vestry under which he acts. . . . To save the rates, and to stave off the evil rather than to remove its cause, even at the risk of some expense, is the great temptation, and not seldom the leading principle of action. What is the remedy

for this state of things?" asks the writer in despair. Such again is the burden of an article in the *Pall Mall Gazette* of September 8 last.

Now, this question, "What is the remedy?" appears to me a very important subject for the consideration of social reformers, and I therefore ask your attention to the matter and to some suggestions, in the hope that in the course of the discussion some valuable amendment in the present system may be devised, or that at least some further interest will be taken in the solution of this question.

Mr. Simon, the Medical Officer of the Privy Council, states his opinion of the present state of the law of nuisance and its application in these words, "Not only have permissive enactments remained for the most part unapplied in places where their application has been desirable; not only have various optional constructions and organisations which would have conduced to physical well-being, and which such enactments were designed to facilitate, remained in an immense majority of instances unbegun: but even nuisances which the law imperatively declares intolerable have, on an enormous scale, been suffered to continue, while diseases which mainly represent the inoperativeness of nuisance law have been occasioning fully a fourth part of the entire mortality of the country. . . . The essential fault is that laws which ought to be in the utmost possible degree simple, coherent, and intelligible, are often in nearly the utmost possible degree complex, disjointed, and obscure. Authorities and persons wishing to give them effect may often find almost insuperable difficulties in their way, and authorities and persons with contrary disposition can scarcely fail to find excuse or impunity for any amount of malfeasance or evasion." Within a few days of Mr. Simon's report, a very practical illustration of the truth of his remarks appeared in a local paper. A Mr. Mantle, at a meeting of the Lincoln Board of Guardians, described the village of Scotherne as being "full" of fever cases. No wonder, for the wells were filled with sewage matter, the water from the pump emitted an "unbearable stench." At one house a man and his wife were laid up with fever, and shortly afterwards, were buried in one grave. The man, Harrison, was the best workman in the parish. There is a somewhat grim satisfaction in learning that the Union, which permitted this state of things will be mulcted in a heavy pecuniary penalty. The cost to the Union, we are told, had already been 12%, and at the lowest computation a cost of 600*l.* would fall upon the ratepayers for maintaining Harrison's children, and under our present workhouse system, the probability of the family becoming paupers for life. The amount which this one family will cost the Union would have properly drained the village. It may be said this is no doubt all very true, but what has it to do with the business of the Reformatory department?

From dirt comes death. The man who by gross and culpable carelessness administers to another a poisonous drug and kills him, is liable to be punished as a criminal. Yet he who poisons a village

with noxious smells must be proceeded against with all due delicacy forsooth! and looked upon as no offender. If the local Board have their attention directed to the nuisance, probably many of them are friends and neighbours of the offender, and others are conscious of their own "glass houses." If, after polite requests and notices have been of no avail, the offender is still recusant, and the inspector of nuisances is of a firm disposition, proceedings are taken before a magistrate, and perhaps in three months after the first complaint the nuisance may be abated; that is, if the proceedings have fortunately been without legal flaw—if not, the matter may possibly be settled some time in the following year. It will be a good thing no doubt to consolidate the Statutes, but more summary powers must yet be given, and some guarantee that the provisions of the Statutes will be strictly enforced; laws are worse than useless if they may be evaded at pleasure. To ensure these laws being properly carried into operation the prosecuting officers must be independent of the offenders. It is very natural that officers appointed by the parishioners will do their utmost to favour their supporters. The only existing body of men who can be kept free of such influences is the police force. This suggestion may be distasteful to many, and to them I would suggest a consideration of the common lodging-houses of the east of London. In a few years, from being the pest-houses of their neighbourhood, they have, through the exertions of the Commissioners of Police, aided by unusually intelligent officers, been made comparatively comfortable, and certainly cleanly and well ventilated; yet the price of a night's accommodation is the same. Again, under the same direction, a similar result has accompanied the working of the Smoke Nuisances' Act. In the metropolis the ordinary officer on the beat reports any instances of infringement of regulations, and then a watch is kept upon the place by specially selected officers and the scientific employes of the department. The public, who are generally ready with complaints of police inefficiency, assist by drawing the attention of the superior officers to the nuisance. It is obviously an advantage to have the services of a large body of men.

I am advocating no novel scheme. It began in Germany, and two hundred years since was from thence introduced into France, and having occasion some time ago to compare the different police systems, I find it in a modified form in Edinburgh and Dublin. In New York there is a board of metropolitan police, who have the assistance of a board of surgeons. A certain number of selected men are appointed to a sanitary company. Their duties are "to visit and make inspection of all buildings, erections, excavations, premises, business pursuits, matters and things, and the sewerage, drainage, and ventilation thereof, deemed to be in a condition or in effect dangerous to life or health, and make report to the board of metropolitan police; they also report malignant contagious diseases, they arrest truant school-boys, they inspect steam boilers, and see that the engineers have a certificate of qualification." They have also other duties of a similar nature,

It seems to me that the sanitary police should carry out the regulations relating to cattle plague, and should prosecute disorderly houses the fruitful causes of crime, and the dens of desperate thieves. There are certain houses in London where robberies are of almost nightly occurrence. These places are, therefore, well known to the police, yet they are permitted to flourish, sapping alike the health and morals of the working classes. The police are powerless to interfere, and the parishes upon which the duty devolves do not care to undertake the expense of a protracted trial against their most punctual ratepayers. Greater facilities might be given for the repression of these houses by conferring on the magistrates the power of summarily convicting the keepers.

Many other ways in which a sanitary police force (being men of superior education) might be utilised will occur to us all, and I will not dwell on this further than to observe that if the Contagious Diseases' Act should be extended from military to civil towns, some such organisation will be absolutely required.

I have endeavoured in this paper simply to give an outline of what a sanitary police should and might be. I know that this sketch is very imperfect, but I shall be more than satisfied if it leads others to think on this subject. "Improvement is not easily obtained when the evil is of monster size, it takes a long time to make the public appreciate the necessity of it, and they must be told a thing many times before they will even hear, still oftener before they will move."*

MISCELLANEOUS.

Mr. T. W. SAUNDERS, Recorder of Bath, read a paper on "The Influence of Education in Diminishing Crime." He showed the necessity of education among the working classes, and alluded to the anomaly that, with our enormous national resources, our savings exceeding 100,000,000*l.* a year, there should be no less than 70,000 persons annually apprehended for offenses connected with property, and that 1,000,000 persons should be in receipt of parish relief. The illiterate labourer was pressed on all sides by educated intelligence, which would speedily drive him from the field of remunerative labour. Mr. Saunders showed that crimes are more and more being confined to the ignorant classes. In the year 1856, 86 per cent. of our criminals could neither read nor write, or could only do so imperfectly; whilst in 1868 this percentage had increased to 96. Looking at the educated portion of our criminals, the percentage who could read and write well was 5½ per cent. in 1856, which percentage had, in 1868, dwindled down to three. He thought it was a very gratifying fact that only three of every 100 criminals should be educated persons; and that it proved education to be a sort of insurance against criminality. Mr. Saunders urged the necessity of adopting a

* Godwin's "Social Bridges."

national system of education, in order that the humbler classes might be placed in such a position as would enable them to escape, or resist, all temptation to crime.

Miss MARY CARPENTER read a paper on "Children's Agents," which she regarded as a necessary supplement for the supervision of young persons who have left the school, and for the developing of the industrial school system. Miss Carpenter gave a history of the establishment founded in 1846, in Lewin's-mead and St. James's-back, Bristol, and described in dark colours those localities. As a result of the good work, she mentioned that, whereas at the time the institution was founded, there were numerous receiving shops in the district, and little boys and girls were imprisoned in the Bridewell, which was swarming with them, in the Kingswood School recently she could only meet with one boy from that neighbourhood. Miss Carpenter showed how many children there were, in such a city as Bristol, who were not touched by any philanthropic or benevolent institution at all, and urged that these should be hunted up, and if the parents could not be helped, that the poor children should be rescued.

Mrs. MEREDITH read a paper "On the Treatment of Female Convicts." The paper called attention to the greater proportion of women frequently recommitted to prison than of men. The unsatisfactory results of the present system of dealing with the misdemeanours of women were described, and referred to the hardening effect of short sentences of imprisonment. Similar failure was ascribed to the mode of inflicting penal servitude on them; and an account of the manner in which they spend the chief part of that sentence was given, Mrs. Meredith having had an opportunity of seeing the women during the course of their imprisonment in the convict prison at Brixton, and of being acquainted with their proceedings on discharge, through the working of the Discharged Female Prisoners' Aid Society. Mrs. Meredith affirmed that association of these women for many years in an unclassified prison has formed a crime-school for the country, which has frustrated all efforts at the decrease of criminal offences, and has multiplied misdemeanours in the case of women. She suggests the formation of a class marked "disqualified for liberty," and the transfer to it of every woman recommitted to prison for the second time, whether for crime or misdemeanour. Her proposal is that "disqualified for liberty" women should be sentenced to attend daily under a penalty at classes for employment and instruction, to be established on the same principle as the Reformatory and Industrial Schools, under voluntary management, aided and inspected by the State, and in communication with the police, to whom they should make a daily return.^c The length of "disqualified for liberty" sentence should be at the discretion of the Court, on evidence of character. It should be liable to extension and contraction on the report of the managers. While many might be expected to pass up from this class into moral society with a

character of ascertainable value, which cannot be got in a prison, some would be likely to be retained in the class for life. The scheme Mrs. Meredith maintains provides the desideratum—a life attention without its evils of incarceration, &c.

Mr. WILLIAM TALLACK read a paper on “The Dignity and Efficacy of English Law as diminished by the Capital Penalty.” The paper argued that all law should be certain in infliction, and thoroughly as well as cordially supported by the general body of orderly and intelligent citizens. It then showed that there was one particular penalty which a large section of the community (including many eminent statesmen and magistrates) were most reluctantly compelled to oppose, owing to objections peculiar to that one penalty, as for instance, its irreparable consequences in case of mistaken conviction, and the hopelessly impossible task of distinguishing in many instances between subtle insanity and deliberate guilt. Further, this penalty, owing to various circumstances, as, for instance, the royal prerogative of mercy, offered a peculiarly weak resistance to the pressure of the numerous body of its opponents. Inasmuch as law should really be a certainty, a strong and unerring restraint, a power honoured and upheld by all good citizens; then, in order to secure this efficacy of law, and especially in regard to the very worst of crimes, it should be harmonised with the views of the large and influential minority of abolitionists. To illustrate the justly influential weight of the minority (supposing it to be a minority, which was by no means certain), Mr. Tallack quoted the names and opinions of a long list of eminent men and women of all shades of religious and political opinion.

A paper by Dr. HENRY McCORMAC, entitled “A Short Argument on Behalf of the Abolition of Capital Punishment,” was also read. He said that on one plea only could capital punishment be defended, and that was the preservation of the community. Otherwise it was barbarous, indefensible, and absurd. If society could be rescued on no other terms, we destroyed the criminal as we would a rabid dog or poisonous snake. All vengeance and every punishment for the alleged sake of example were false in principle as they were dangerous in practice. We had a right, it was true, to put the criminal to death, if we had no other way to render society secure, but from every other point of view the infliction of death, he submitted, was simply judicial murder. The criminal was a sort of moral lunatic, whom it was the duty of society, at whatever cost, not to destroy but to heal. The infliction of death for the sake of making an example was, if possible, more absurd and indefensible than was punishment merely for the sake of revenge. It was a procedure wrong in itself, and we did not find that blood shed for example’s sake deterred criminals. Society had itself to blame for all criminality, and was bound to remedy its own shortcoming as it might. To put a criminal to death was to wind up our own folly and great neglect by an act

of extreme cruelty and cowardice. All criminality was the result of neglected education and of vicious training. Train up the people properly and there would be no criminals. It was a question of education, and nothing else. The knowledge and skill that would suffice to remove the moral malady would also, if suitably directed, avert it altogether.

EDUCATION.

UNSECTARIAN AND RELIGIOUS TEACHING.

an Unsectarian Scheme of Education inconsistent with Religious Teaching? By REV. CANON NORRIS.

THE nation is demanding a more complete system of elementary education with an earnestness that makes it certain that something will be done. What this "something" is likely to be no one knows; what this "something" ought to be is a question on which we are still divided. Unless in the course of the next few months the bulk of the nation can make up its mind and come to something like unanimity we shall have a leap in the dark; for both Parliament and Government are pledged to do something.

The discussion of the question now proposed to us by the Council of the National Association may well help to consolidate public opinion on this subject. We are not invited to discuss the whole subject. The whole subject falls asunder into two parts:—(1.) How to get more good schools; and (2.) How to get the children into them.

With the latter portion of the subject we have nothing to do. With the question of what may be called school-attendance laws, direct or indirect compulsion, and the like, we are not to concern ourselves to-day. It is on the former half of the subject that we are invited to fix our attention—How to get more good schools. And the question is still further narrowed for us. It is notorious that the difficulty which stops the way is the old difficulty—the difficulty which for the last thirty years has been so familiar to us—the religious difficulty:—Of what sort shall our schools be in relation to religion? Here lies the hitch; this is the question before us.

Schools, in their relation to religion, may be of three sorts:—They may be (1.) Denominational, giving religious instruction unreservedly; or, (2.) Undenominational, giving it under strict limitations; or, (3.) Secular, leaving it to other agencies.

Our attention to-day is specially invited to the second of these sorts of schools, the undenominational. But let me begin by briefly considering the first, for so only can I lead you up to the point of view from which you are invited to consider the second. And it may be that our conclusions about the second will oblige us, before we have done, to glance at the merits of the third.

The first sort of school, then, is the denominational. What is to be said in favour of it—what against it? In favour of it there is the

very weighty fact that it is in possession of the field. Nine-tenths of our existing schools are denominational; connected, not only by the will of their supporters, but legally by their trust deeds, with particular religious communions. All our educational legislation, during the last thirty years, has been founded on the denominational system. Thirty years ago, when the field was comparatively unoccupied, the nation was asked to choose its system. Lord Melbourne's Government proposed an undenominational system, and some of the ablest statesmen of the day warmly advocated it. It was overwhelmingly out-voted. About the same time our old friends the secularists (then as now few in number, but united and active), formed the "National Public School Association," and, under Mr. George Combe's energetic generalship, proposed a secular system. It was still more decisively negatived. The bulk of the nation, free to choose, deliberately chose the denominational system; and since then, although the door was left open for the establishment of unsectarian or of secular schools, nine-tenths of our public grants, nine-tenths of our private subscriptions, have been sunk in denominational schools.

In the face of these facts it is idle to question the conclusion to which they point, that the great bulk of the nation prefers the denominational system with its unreserved teaching of religious truths.

If this be so, why re-open the question? For a very sufficient reason, which will appear at once, when we listen to what has to be said about the defects of the denominational system. While it was a rapidly growing thing, while there was a fair likelihood of its covering the needs of the country, all was well. But it has ceased to be a rapidly growing thing, and the needs of the country are not covered. We must be careful here. I do not say that its resources are exhausted, but that they are giving signs of having nearly reached their maximum. I beseech you to mark the difference. Denominational effort is not ceasing. But its amount, unless greatly stimulated, is likely to be henceforth stationary. Roughly speaking, it is educating about a million and a-half of children, in fairly good schools, and there is every prospect of its continuing to do so; but we want good schools for two millions. There is at the least a remaining half-million of children having no decently good school within reach of them; and the denominational system gives us no sort of security that this deficiency will be made good. On the contrary, there is every likelihood that, under the voluntary system, ~~there~~ will always be a certain proportion of neglected apathetic places. We are all finding out, what many of course foresaw, that a denominational system must be supplemented in order to educate a whole nation.

The motive power of the denominational machine is religious zeal, and religious zeal will ever be unequally distributed. Schools that depend upon it will be found in one place, not in another; will be efficient in one generation, languishing in another. This will not

do; if we are to continue our denominational system we must have alongside of it a supplemental agency, always ready to make up for its deficiencies, unless, indeed, we resolve to supersede it. Shall we supersede it? To start a new system of schools by the side of our existing schools, leaving the existing schools to struggle on in hopeless rivalry, or to die gradually of starvation, is plainly out of the question. It would be as ruinously wasteful as it would be monstrously unjust, after all that has been done. What then? Shall we supplement their resources? and if so, how? Out of the Consolidated Fund? or out of local rates?

If we ask the patrons of the existing schools, viz., the religious communities, which they would prefer, they answer at once, give us larger grants out of the Consolidated Fund. But to this there is a fatal objection:—If the Education Department began to proportion their grants to the deficiency of local effort, local effort would rapidly cease; the voluntary system would be at once demoralised.

Shall we then supplement the resources of the denominational system by local rates? In this way those who refused their money in one shape would have to pay it in another. It is free, therefore, from the above objection. But observe well what it necessarily involves. It involves either the secularising, or at least the undenominationalising of all schools so established or so assisted. This is almost too plain to need demonstration; so plain that almost every proposal of an education rate has been accompanied (as a matter of course) by a proposal to secularise or in some way undenominationalise the schools. Rates being a common fund, can only be used for common purposes; schools established and supported by them must be common schools, in the American sense of the term, *i.e.* open to all in common. If any suggest that if each ratepayer was allowed to appropriate his rate to the school which he preferred, rates might fairly be used for the support of sectarian schools, the reply is obvious; that this assumes two conditions which may not be assumed:—first, that every denomination was able to have a school of its own; and, secondly, that the rates paid by each denomination would be proportionate to the educational requirements of the poorer members of that denomination. More need not be said; it stands to reason that schools supported out of rates must be either secularised or undenominationalised.

The bulk of the nation answers point-blank that they will not secularise their schools. But will they undenominationalise them? Before answering, they wish to know how far an undenominational system is really consistent with religious teaching.

This, you see, is the point of view from which we are led to approach the question before us:—Is an undenominational scheme of education inconsistent with religious teaching?

Existing schools might be undenominationalised in one of two ways:—either, 1st, by restricting the religious instruction to points upon which the different denominations are agreed; or, 2nd, by

drawing a sharp line between the religious and the secular instruction, and providing that the former be given at a particular hour, and by the ministers of the several denominations.

For shortness' sake we will call the first the American method, and the second the Irish.

I can well believe that many have come into this room prepared to advocate the first, and that many here are ready to defend the second of these methods. The advocates of the American system of teaching a common undenominational Christianity may fairly ask:—Are not the facts of the Apostles' Creed held in common by all Christians? Must not instruction in these facts precede by way of foundation, all other religious instruction? If these facts be illustrated from the Gospel narrative, and commended to the heart by select passages from the Epistles, have we not here abundantly enough to fill up the religious lessons of children under twelve years old? Would not the several communions really gain rather than lose (even from their own point of view) by postponing all distinctive religious teaching until this elementary foundation had been laid? Need such religious instruction dwindle down (as it is said to do in America) into mere moralities, or reading aloud the Bible without comment? And if all this be so, is an undenominational scheme inconsistent with a very valuable kind of religious instruction?

So, many in this room may be prepared to argue. Others may have come prepared to advocate the Irish system of separate classroom instruction in the distinctive doctrines of religion. They may fairly say:—This method has the great advantage of being still more comprehensive; for under it Roman Catholics, who might possibly object to the other scheme, and even Jews, who certainly would object to it, might be included. And why should not the religious instruction be thus portioned off into a separate hour of the day? Need religion be mixed up with arithmetic or geography or grammar? Did not one, of the staunchest of churchmen, the present Dean of Chichester, write a pamphlet twenty-two years ago in favour of this very plan, as a solution of the religious difficulty?

So some here present may be disposed to reason. There is much to be said in favour of each view. I can fancy that the parents of the children—and after all they are most concerned—I can fancy that the parents, if they could be consulted, would be satisfied with either plan. Nay, I can fancy that the subscribers, as a body, would not much object to thus undenominationalising in one or other of these two ways the religious instruction given in our schools.

True, all experience in America seems to prove that under the first system the religious lesson inevitably dwindles down to mere reading aloud of the Bible without question or comment, and that decidedly religious men there somehow don't like to become teachers of the State schools. True that, in Ireland, experience shows that under the second system the ministers of the several denominations will find it irksome to attend all of them at one and the same time,

and give religious instruction under such strict conditions. Still, theoretically, I think the nation might be brought to acquiesce in such a modification of the routine of its schools if that were all. But that is not all. The really important matter which will, I take it, govern your answer to the question proposed to us, remains behind. And of such paramount importance is it, that compared with it, that question of the precise mode of giving religious instruction becomes insignificant and may be pushed aside.

This all important question is :—Who under an undenominational system is to appoint the teachers? On this pivot really turns the matter before us.

We are all of us profoundly convinced—I mean all who are familiar with the inside of a school—and what is more, the parents, the English mothers, are profoundly convinced, that the religious or irreligious character of a school depends on the character of the teacher infinitely more than on the precise amount or method of the religious lessons. If conscientious pains be taken to select God-fearing men and women, our schools will be religious schools.

The question before us ought, in the mind of every one here present, to resolve itself into this:—What security does an undenominational scheme of education afford for the religious character of the teacher? For observe, I pray you, undenominationalising a school means undenominationalising not only its routine of lessons, but also its management or government. I ask, then, with whom is the appointment of the teacher to rest? At present it rests with a committee of chief subscribers, that is, precisely with those who have given security that they care most about the school from a religious point of view.

But with whom would it rest under an undenominational system? There are three possible answers. In Ireland it rests with a local patron, controlled by the central board in Dublin. This arrangement, possible under the peculiar condition of things in Ireland, would be simply impossible in England. In America the appointment rests with the municipal authorities who levy the rate, or with a committee of ratepayers. I have no hesitation in saying that this would be profoundly disliked in England, and would give the real friends of education no security whatever for the religious character of the teacher.

Thirdly, and lastly, it might rest with an elective committee, on which all denominations were fairly represented. Frankly and candidly, would such a committee be likely to agree in their appointments? would it work well? would it work at all? Possibly in country parishes it might; but in towns how would it be?

This is really, at the bottom, the insuperable difficulty in the way of any undenominational system of schools in England. The same undenominational scheme which professes to evade “the religious difficulty” in the instruction, intensifies it in the management of the school. It disappears from the school-room, only to re-appear in an aggravated form in the committee-room.

If you agree with me, without going into the merits of the religious *lesson* question, you will fix your attention on what I will call the religious *teacher* question, and answer the question proposed to us, by saying:—The religious character of a school depends on the spirit in which all the teaching is conducted ; it depends therefore on the religious character of the teacher. And for the religious character of the teacher undenominational systems offer no sufficient security. The only practical guarantee for the appointment of God-fearing men as teachers of our schools is to connect them with the organisation of our religious communions.

So far as the task proposed to us is concerned I have now done, for I have given my answer to the question before us in a negative. But it will be observed that if I stop here, I leave the matter of national education on the horns of a dilemma, and this is the last thing I wish. The dilemma is this:—We cannot do without rates ; rates involve the secularising or undenominationalising of the schools so supported ; and this we will not consent to.

To leave the matter thus would be merely obstructive. There is a solution which I earnestly commend to your attention. Let us leave our existing voluntary denominational system standing as the system of our nation, and let us supplement it with another system. Let the voluntary denominational system be the rule, and let that other system be the exception, and not only the exception, but in every place where it is supplied a confessedly *temporary* exception. Mark this, I beg you. The supplement which I am going to propose to you is to be exceptional and temporary, and of such kind as may any day be absorbed into the normal system.

Now, of what kind is the supplemental school to be ? I answer, that which the bulk of the nation least likes—a secular school. Lest my answer should seem paradoxical, permit me to illustrate the motive of it. We are here in Bristol restoring, by voluntary subscriptions, the nave of our Cathedral—an educational work by the way, essential as a first step towards the Cathedral of the future, which is to be a centre round which a grand educational organisation is to crystallise ;—but this by the way. Suppose, as the restoration proceeds, our voluntary resources fail us just when Mr. Street's most noble pair of western towers are half their proper height, and Mr. Street says, "Roof them in some way you must to keep out the weather." How had we best do it ? Some might be for putting a decent sort of cupola or parapet, and making the thing look as well as it could under the circumstances. Wiser folk would say, on the contrary, if you mean it to be really temporary, put the ugliest ~~roof~~ upon them that you can possibly devise, so ugly, that every passer by will put his hand in his pocket and say, "Here is a guinea, if it be only to get rid of that eye-sore."

Forgive my illustration ; I return to the supplemental school. There are two cogent reasons for its being a secular school rather than an undenominational school. (1st.) As I have said, the bulk of the nation, certainly the religious communions—and it is to their

efforts we mean mainly to look henceforth as heretofore—dislike the secular school most ; more efforts therefore will be made to supersede it than would be made to supersede an undenominational school. (2nd.) While it lasted, all concerned in the children's welfare would know what they were about. A school openly declining to give religious instruction is better than a school professing to give it and failing. The home and the Sunday-school would know and understand that they were responsible for it.

What I propose, then, is briefly this : —

- (1.) That inspectors or commissioners should report to the central education office all places where means of education were still deficient.
- (2.) That the central office should give notice to such places that, unless within a certain time a good school were forthcoming, a rate would be levied, and a school built, to be vested in provisional trustees, and to be provisionally conducted by a teacher, appointed by the central office, on secular principles.
- (3.) That such a school should continue to be so constituted and conducted until such time as some local committee should come forward and give evidence of their willingness and competence to undertake its maintenance.
- (4.) That in the event of such offer the school should be transferred into the hands of such committee, to be managed by them, and so, ceasing to be a secular school, should be absorbed into the existing denominational system of the country.
- (5.) That by way of encouraging such adoption of secular schools, the scale of grants to rate-supported schools should be much lower than the scale of grants to schools supported by subscription.
- (6.) That in all cases of adoption by a religious communion, a Conscience Clause should be inserted in the new trust deed. This is not an essential part of my scheme. But I recommend it.

With such exceptional supplement I think the nation would do well to grant the voluntary denominational system a new lease of life ; and continue, as a rule, to entrust the management of our schools to the religious communions of the land.

I am strongly persuaded that no other system of management would equally well secure the wholesome training of our young children. It is in the matter of school management that any undenominational system would in England inevitably break down.

On the Same. By REV. R. E. BARTLETT.

AMONG the questions destined to occupy the space in the public mind, which till lately has been filled by the Irish Church, one of the most prominent is likely to be the demand for a national system of education; which, I suppose, may be defined as a system in which it shall be the recognised duty of the State to provide directly for the education of every child, whose parents are unable or unwilling to provide for it themselves. The growth of public opinion in this direction has of late been somewhat rapid. It is but thirty years since the first step was taken towards education under the control of the State, by the appointment of the Committee of Council on Education; a step for which, at that time, men's minds were so little prepared, that it produced a protest in the form of an address from the House of Lords to the Crown, and it seemed likely for some time that the clergy would oppose the acceptance of State aid and inspection with all their influence. It is only lately that one important religious body, the Independents, has withdrawn its uncompromising opposition to all State interference with education; and till quite within the last few years the idea of the State doing more than assisting voluntary efforts was relegated to the class of unpractical ideas, only fit for discussion at Social Science Congresses. And if this rapid ripening of public opinion betokens in this case, as it certainly did in the case of the Irish Church, an equally rapid and decisive solution of the question, it becomes important for us to consider it under all aspects, especially under that of its bearing on the present system, and on the question of religious education.

It is, no doubt, the religious difficulty that has so long made any general system of education impossible. If we could for a moment entertain the wild supposition that all England were of one mind on religious questions, I think there can be no doubt that long before this there would have been an efficient school in every parish requiring one. But it has been universally assumed—first that an education without religion is worthless, or worse; and secondly, that a religious education consists in, or at least necessarily involves, the teaching of definite and minute dogma; and from these premises it followed of necessity that no system of education could be devised which should meet the case of a country divided in religious opinion, except the present system of stimulating and aiding the efforts of the different religious bodies. This is not the place to discuss the advantages and disadvantages of this system. The disadvantages are obvious, and the advantages have, as it seems to me, been overrated. But at any rate it has had the effect of magnifying to the utmost the importance not only of the religious but of the dogmatic element in education. When it was proclaimed that in every little town in England there must be two schools at least, because one class of people thought it of the utmost importance that all the children should learn the Church Catechism, and another class of people thought it of the utmost importance that they should not; it

became pretty clear that the religious element was at any rate an important one in education.

But it is not likely that this condition of things will last much longer. If, in the districts already sufficiently supplied with schools, the State does not enforce a conscience clause all round as a condition of Government aid, at least in the districts still unaided, the question will be forced upon us as soon as the State takes them in hand—Which do you prefer? A purely secular school, in which the children shall be taught secular knowledge only in school hours, and then be thrown out for the ministers of all denominations to scramble for outside, or a system of elementary religious teaching, clear of all dogmatic specialties? In other words, supposing that the nation determines on establishing a system of education in which all can take part, shall it be by ignoring religion, or only by ignoring religious differences?

Now, I confess that, supposing no other alternative open to us, I, for one, speaking as a parochial clergyman, should be ready heartily to welcome a thoroughly good system of secular education. I know quite well that in so saying I lay myself open to be told that the highest possible product of a purely secular education is, the Devil; but to this I reply, that at least the mind even of the Devil is not, like that of the average British farm-labourer, absolutely incapable of receiving any intelligent religious impression. "Prejudice you may overcome; sophistry you may expose; error you may convince; but "Mit der Dummheit kämpfen Götter selbst vergebens." Stupidity is proof against the gods. You have a fine field lying fallow, in which you wish to raise a good crop; the Government, wishing to encourage agriculture, says, As you can't make up your minds what sort of seed it is best to sow, I must leave you to settle that amongst yourselves; but as the ground must first be prepared, I will set a patent steam plough to work, which will do the necessary preliminary work, and then you can do the sowing in the way and at the time that suits you best. What infatuated folly it would be to reply, "No; the ploughing and sowing must be done by the same machine, or not at all. I have an orthodox contrivance which will perform the two operations simultaneously. I admit it, does not do its work very thoroughly; it has a trick of skipping the most hardened part of the field altogether, and then of course the seed never gets a chance; but still I am not going to sow after any of your new-fangled steam ploughs; let me do it in my own way, or I won't sow at all." Surely, your intelligent infidel is a more hopeful subject than your utterly besotted and ignorant rustic. Nay, may I not go a step further, and say that a really good system of secular education, one which should teach not only reading and writing, but discipline, obedience, self-respect, and self-control, is, in a very real though not in the highest sense, religious?

I admit, however, that in such a system there would be a very considerable danger of directly religious instruction being altogether lost. I believe it has been found so in Canada. At any rate, it

would depend on the energy of the ministers of religion in each district, and on their power of getting hold of the children out of school hours—a difficult thing, as most of us can testify. Is there then no other alternative? I think we may find one, in a system in which the Bible and the main truths of Christianity should be taught undogmatically. After all, we must approach a practical question of this kind by a consideration of the elements with which we have to deal. The present denominational system has, as it appears to me, been the result of a consideration not of what the condition of the working classes demands, but of the religious feelings and partisanship of the upper classes. The great majority of founders and supporters of schools are Church people: therefore they wished to have distinctively Church schools. But there was a considerable and active minority who were not Church people: therefore they wished to have distinctively non-Church schools. But if you investigate a lower stratum of society, that for which and not by which the schools are founded, you will find quite other phenomena. The working class, even the religious part of them, for the most part care very little about differences of doctrine. They are Church people or Dissenters, because they were brought up to church or chapel, or because they have taken to it from some personal preference; but they have scarcely an idea of any distinctive peculiarities of doctrine: and as regards the education of their children, they are wise enough to ask not where they will get this or that form of religious teaching, but where they will get the best education for their money. As Mr. Cumin says in his evidence to the Commissioners, “The truth is, that the religious difficulty, as it is called, does not exist. So long as children are allowed to go to the Sunday-school connected with the religious denomination to which their parents belong, they make no objection either to the National or the British system.” Not, however, that parents are indifferent altogether to a religious education for their children. I often think that there is a vague idea of some kind of vicarious religion in the minds of working people, and that being conscious of not having much of their own they think it all the more necessary for their children. Indeed, I strongly suspect that a secular system of education would stand a great chance of splitting on this rock, that the parents would object to a school without the Bible. To quote Mr. Cumin again, “The religious element, I found, was considered essential, and that element was the Bible. The mass of the poor have no notion as to any distinction beyond that between Roman Catholics and Protestants.”

So far with regard to the parents. Now let us look at our materials in the children. I sometimes wonder whether the worthy people who read and interest themselves in the discussions on these subjects, can realise themselves what manner of children these are whose religious instruction we are so solicitous about. They must think that they are of about the age and intelligence of the sixth form boys in our public schools, or at any rate that they have arrived at the age

usually considered by the Bishops as years of discretion suitable for confirmation. I think they would be surprised if they could see what the first class of an average national school is, and what very small chance there is of any definite dogmatic teaching getting into the children's minds at all, except in the form of undigested formulas, which it is quite certain they will never assimilate. I would ask any clergyman who has had classes of young people of the labouring class to prepare for confirmation, whether his experience does not bear me out in saying that even the most carefully instructed national school children do not retain from their school teaching any definite dogmatic impression. Indeed, just as nature indicates in the case of infants what sort of food is suited to their age, by causing them to reject whatever is unsuitable, so she acts also with regard to mental and spiritual nourishment. They will take in facts; you may teach them the main points of the Old and New Testament history, and if you do it sensibly they will take a considerable interest in it: you may make them understand and remember the Sermon on the Mount, and the parables and discourses of our Saviour; but unless I am greatly in error, their minds are absolutely unreceptive of dogma. Indeed, it would not be too much to say that the whole habit of mind of the labouring and lower middle classes makes them proof against very distinctive teaching. Take a girl in the upper class of a national school. You may teach her the Catechism with scripture proofs; you may follow this up with confirmation classes, with careful instruction in the Liturgy; you may get her a situation in a clergyman's family: but let a good-looking young Dissenter cross her path, and ask her to walk with him,

Ibi omnis
● Effusus labor:

without the shadow of a scruple, without an idea that she is doing anything inconsistent with her bringing up, she will go with him of a Sunday evening to the chapel, and if the youth proves faithful at once to his love and to his creed, she will in process of time subside into a quiet nonconformity, and rear a little brood of young Dissenters as naturally as if she had never learnt the Catechism, or seen the inside of the parish church.

This then is the state of things we have to do with; parents who want the best education they can obtain for their children, who wish religious instruction to be imparted, but who for the most part are unconcerned with doctrinal specialties, though they will resent any attempt made to force their children into a denomination which is not their own, and children who are not capable of receiving any definite peculiarities of dogma, but who are capable of learning and being interested in the Bible. Does not this seem to point to the natural solution, that of schools which shall supply such religious instruction as the parents require and the children can receive, leaving it to be supplemented on Sundays and in later years by the special teaching of the denomination to which the child belongs?

But it will be said, the thing is impossible—you cannot have religious teaching without definite dogma. To this I reply, you not only can but you actually have it; and that in a class of schools in which above all others you would look for the most sharply defined Church teaching. Where are the sons of Church people in the upper class for the most part educated? At our public schools; and I will venture to say, speaking from some experience of more than one of our public schools, and from intimate acquaintance with men of all schools, that in most of them there is absolutely no definite Church teaching except what is received in the chapel on Sundays. I was at Rugby under our present excellent Archbishop; I went through all the upper forms of the school; and I do not think that I am paying a bad compliment to the school when I say that I am sure no reasonable parent, either Churchman or Dissenter, could have objected to his son taking part in the whole of the religious instruction in the school. And yet when this is notoriously the case in the best of the highest schools in the country, we are told that without dogmatic teaching there can be no religious education in our primary schools. Of course it is quite easy to raise formidable-looking difficulties; it is easy to ask, what is a conscientious teacher to do if he knows, for example, that he has Unitarian children in his school? but to all this I answer, that if you have a teacher with common sense no difficulties will arise; and no system will work unless you have people with common sense to administer it. English people, no doubt, dislike having their convictions attacked, but I believe very few parents of the working class would object to having their children taught by a person of a different denomination from their own, if they knew that he was honest and candid, and would respect their convictions. Nor do I believe that they would object to the clergyman of the parish having the chief part in the management and even in the religious teaching of the school, if they knew that the rights of conscience were guarded. Many clergymen, no doubt, will say that they will have nothing to do with a school where they cannot teach with authority the whole dogmatic system of the Church. I can only say that, give me a school with thoroughly good secular teaching, good discipline, and permission to teach the Bible and the elements of Christian morality, and I will be content without asking for more. And will you say that this is meagre and indefinite? Let me quote on this point the words of Mr. Matthew Arnold, in his report for 1868. Speaking of German schools, he says—

“Even in the lowest classes, the children in a German Protestant school begin learning verses of the Psalms by heart, and by the time a scholar reaches the top of the school, he knows by heart a number of the finest passages from the Psalms, and from the prophetic and historical books of the Old Testament, and nearly all the principal Gospel discourses and parables of the New. These have become a part of the stock of his mind, and he has them for life. What a course of eloquence and poetry (to call it by that name

alone) is this in a school which has and can have but little eloquence and poetry, and how much do our elementary schools lose by not having such a course as part of their school programme! This, at least, one would think, might be effected without any 'religious difficulty,' and all who value the Bible may rest convinced that thus to know and possess the Bible is a most sure way to extend the power and efficacy of the Bible."

Let me in conclusion explain that I do not wish to be understood as advocating the overthrow of the present denominational system. Where it exists, it has worked fairly well, though with considerable waste of power, in having two indifferent schools where one good one would have sufficed, and in multiplying inspectors. I suspect, indeed, that if a universal conscience clause were introduced, very many indifferent schools, now kept alive by the religious difficulty, would speedily expire, greatly to the gain of education. But in the still unaided districts, and also in the towns where the increase of population requires fresh schools, I cannot but think that religious teaching without dogmatic specialities is the thing to be aimed at. And I cannot see that we of the Church of England should be sacrificing any principle in assenting to it. Surely it is a mere anachronism to endeavour to keep up the theory that the whole population of England are in agreement with the doctrines of the Established Church. It is not, as I trust and believe, too late to open our eyes thankfully to the fact that the mass of the working classes are willing to accept the Bible as the basis of religious teaching for their children. Where the great proportion of the people are members of, or friendly to, the National Church, a Church school with a conscience clause seems to meet the case; but if it should seem good to Parliament to establish for the future a national system of education on the basis of Christianity, but without reference to religious denominations, I am sure that we should be acting rashly and unwisely in refusing to work with it. After all, the working classes must decide in the last resort what manner of system they will have; I do not think they will demand a secular system, and I doubt whether they will care to maintain the denominational system; but whatever the decision is, let us not refuse the half because we cannot have the whole, let it not appear that religion is in antagonism to enlightenment, let us not refuse in the interests of the Church or of Christianity to aid in breaking up the dense mass of ignorance and mental torpor in which, in spite of what has been already accomplished, the labouring class in our country districts are still hopelessly and contentedly sunk.

On the Same. By JOHN FLINT, Registrar of the Duke of Newcastle's Commission on Education.

For the purpose of my short paper I must assume that the words "religious teaching" in the question now under notice, mean teaching in the doctrines and rules of conduct propounded by the

Saviour of the world as a Divine Being. This being assumed, an answer to the question may perhaps readily be given, although the necessary illustrations of the answer are numerous and might be multiplied to an extent beyond the time at the disposal of this department of the congress.

An "Unsectarian Scheme of Education," is not inconsistent with "religious teaching," provided we can teach morals or rules of conduct without teaching a definite faith—or teach a definite faith without teaching a definite creed.

Starting with my assumption that what is meant by the words "religious teaching" is Christian teaching, it is not easy to see how an unsectarian scheme of education can be made consistent with it. For example, under an unsectarian scheme of education you would have in the same school and sitting side by side on the same form, the child of a Jewish parent, the child of a Unitarian parent, the child of a parent in communion with the Church of England, and the child of a Nonconformist parent. It is not easy to see how any religious teaching, if Christian in character, could be so adapted as to suit the position of those four children without breaking faith with their parents. I say breaking faith with their parents, because notwithstanding much that has been said and written to the contrary, parents are really guided by their religious convictions in the choice of schools for their children. As pertinent to this last observation of the religious convictions of parents guiding them in the choice of schools for their children, I adduce the case of a child of Roman Catholic parents. The difficulty is increased when we imagine such a child sitting side by side with the child of a Jew, of a Unitarian, of a member of the Church of England and of a Nonconformist. Here and there under the pressure of circumstances, under extreme necessity, I admit that children of Roman Catholic parents have been found in schools not connected with the Roman Catholic Church, but those children, much to the honour of their parents, have been as a rule sent to school with some stipulation with the school authorities that their religious belief should not be tampered with. In the case of these Roman Catholic children, the education given to them has been purely secular. I once met an instance of the child of a Jew attending a Church of England school. This occurred in Derbyshire. I am sorry I cannot name the village, but the instance impressed itself on my mind. The child was not even sent in time for the ordinary morning prayers, and he was purposely sent out before evening prayers, and this by the expressed desire of the father.

Beyond the bare or ordinary maxims of prudence in life no religious instruction, worthy of the name, can be given under what, in the question before us, is termed "An Unsectarian Scheme of Education." The Sermon on the Mount contains the most exalted code of morals ever propounded to mankind, but the Sermon on the Mount rests on the authority of Him who delivered it, and on the belief that He was divine—a truth which would not be admitted by a Unitarian

parent, and which could not be taught to his child without breaking faith with the parent. Principles of conduct rest upon doctrines, indeed, naturally flow from them, and the doctrines rest upon the authority of Him who propounded them. You must come back to the authority of the propounder.

It may be urged, in answer to what I have advanced, that the system known as the British and Foreign School system refutes the principle which underlies my remarks. It may be said that in British schools children of parents of various persuasions sit side by side and receive religious instruction in common. I confess that I have never been able to estimate or understand the kind of religious instruction given in British and Foreign schools. It must of necessity be reduced to little more than the ordinary maxims of prudence in life. The British and Foreign School system does not appear to have commended itself to the affections and minds of the English people. It is not easy to understand how a teacher in a British school can explain any verse of the New Testament relating to baptism, and if by chance he should have Roman Catholic children in his school, any verse relating to the Sacrament of the Lord's Supper without, as I said before, breaking faith with the parents of the children sent to him. The Wesleyan body, long united with the British and Foreign School Society, parted company with it and have their own training college, their own trust-deeds defining the constitution of their schools. And why? Because they did not find by experience, in course of time, that an "Unsectarian Scheme of Education" satisfied their feelings. They wanted schools in which the Wesleyan hymn books could be used. They wanted schools in which the Wesleyan catechism could be used as authorised by the conference. They wanted schools in which no person should be permitted to teach who should "either therein or elsewhere, maintain, teach, or promulgate any doctrine or practice contrary to what is contained in Wesley's Notes on the New Testament, and the first four volumes of his sermons. We see by this that the plain reading of the Bible, without note or comment, as if such reading unaccompanied by oral teaching was to work a charm, did not exactly satisfy the religious feelings of the Wesleyan community.

"The controversies which have occurred in the last twenty years, the difficulties which they have thrown in the way of the establishment of any comprehensive system and their practical result in the establishment of the denominational training colleges and elementary schools, appear to place beyond all doubt, the conclusion that the great body of the population are determined that religion (distinctive religious teaching) and education must be closely connected. It has been supposed that the object of securing the religious character of education might be equally attained either by restricting the teaching given in the schools to points upon which different denominations agree, or by drawing a broad line between the religious and the secular instruction and by providing that the religious instruction should be given at particular hours, and by the

ministers of particular denominations. We do not think that either of these expedients would be suitable to the state of feeling in this country. With respect to the plan of restricting the teaching to points agreed upon, we may refer to the history of the British and Foreign School Society. Undenominational teaching (as pertinent to the wording of the question now before us, I will say *unsectarian* teaching) was its distinctive principle, but all the schools, including British, and others, which are founded on that principle contain only about 14·4 per cent. of the scholars in public schools, whilst the remaining 85·6 per cent. are in denominational schools. The British schools are for the most part large schools in towns, and are usually established where the various dissenting bodies, not being numerous enough to establish denominational schools, prefer a British school to one connected with the Church of England. Religious communities, when able to do so always appear to prefer schools of their own to schools on the undenominational principle."

I have been using the language of the Commissioners on Education, presided over by the Duke of Newcastle, which will be found on p. 311, vol. i. of their report. It may be urged that this quotation does not quite apply to the theoretical or abstract question before us—"Is an unsectarian scheme of education inconsistent with religious teaching?"

The question, however, as I venture to submit, is not to be looked at as an abstract or theoretical proposition. We have to look at its practical aspect; because, if an unsectarian scheme of education does not commend itself to the religious convictions and feelings of the English people, it is useless to discuss it. When we see a large body, as the Wesleyans, break off from a society (the British and Foreign School Society) with which they were so long connected; when we see the Jews, a very small religious community among us, having schools of their own, and their own management, clauses and trust-deeds for the regulation and constitution of those schools; when we see the Church of England insisting upon having its own schools, in which its own distinctive doctrines can be taught to the children of Church parents, it seems useless to discuss the question before us as an abstract or theoretical question.

At the present time there are considerably more than two millions and a half of scholars in schools of all kinds in England and Wales. About one-third of these are in schools usually termed private adventure, that is to say, schools established for the pecuniary profit of private individuals. Deducting these, and making certain comparatively trifling deductions on account of the scholars in Poor Law schools, and military and naval schools, all the remaining scholars are in schools belonging to the various religious bodies. This goes to prove that an unsectarian scheme of education has not commended itself to the English people.

In Ireland, what is called the mixed system of education has for some time been in operation. But at the present moment the Roman Catholic hierarchy, represented by Cardinal Cullen, is, with every

prospect of success, bent upon destroying that system which is doomed.

It might, perhaps, be urged that in Scotland, notwithstanding the many religious differences among the people of that country, the "parish schools," as they are called, are so constituted as to be suitable to the children of all parents, whether of the Established Kirk, the Free Kirk, the United Presbyterians, Burghers, Anti-Burghers, and so on. It would not be fair, however, to advance this argument. It is well known that the various religious bodies are not so sharply defined, not so sharply marked off from each other in Scotland as they are in England. Leaving out of sight the Episcopal Church, the religious differences among the great body of the people in Scotland are upon points of Church discipline and Church patronage. Excluding, of course, the Episcopalians, all the other religious communities in Scotland use the same catechism. It is therefore practically easy to make one parish school suitable to all the children in a parish in Scotland.

I venture, for the reasons which I have stated, to submit, that an unsectarian system of education is inconsistent with religious teaching.

Perhaps one of the most subtle intellects, certainly one of the most graceful writers, to whom the University of Oxford has given birth, says, that "if opinion continues to govern the world and intellect to rule opinion," such and such things will come to pass. I shall simply vary his language—If the sense of the importance of distinctive or religious teaching governs intellect, and intellect influences the world, an unsectarian scheme of education will never be accepted by the English people.

Mr. THOMAS WYLES (Coventry) read a paper upon the subject. The writer first defined the terms of the proposition. He then rapidly surveyed the results of sectarian religious teaching in the countries of Western Europe, and remarked that the mental, moral, and material condition of the people was an emphatic condemnation of the methods adopted in those countries. In our own country, where education is freest from sectarian bonds, irreligion, immorality, in all its forms, drunkenness, social degradation, pauperism, and crime abundantly testify to the worthlessness of our sectarian religious teaching. Neither our religious institutions nor our schools have any hold upon the people. The people are what the teaching has made them, and they react upon the teaching to minimise the net result of good. In other countries there is among the more lettered an abnegation of all religious claims; among the less lettered, all conscience deposited in the hands of the priest; among all, a moral and social life that we should be little inclined to emulate; progressive legislation almost powerless against the barrier of sacerdotal power. Turning to the United States, the religious teaching is more free, with corresponding advantages to the country. In spite

of the immigration of European ignorance and vice, the people are more intelligent, religious, and patriotic than any European nation. The religious value of education is tested by the national character. Our failure is caused by a misapprehension of the principles and purpose of the Saviour's mission. "The common people heard him gladly." The mystic dogmas of the Christianity of the day are unintelligible to children. How absurd then to make them the basis of youthful teaching. Children may be taught something better than to "order themselves lowly and reverently to all their betters." Man's subservience to man must give place to man's equal and absolute subservience to God. The moral worth we have is due rather to the "divinity that stirs within us" than to the sectarian religious teaching. An unsectarian scheme will leave the teacher untrammelled by creeds and sects, and admit to the school desk higher and yet simpler forms of religious thought and culture. When the teacher breathes more freely he will better rise to the dignity of his work, and the elevation of the pupil must follow. A sectarian scheme is obstructive to mental culture, repugnant to religious training, a mistake in practice, a failure in fact. An unsectarian scheme will command a higher type of teacher, promote a more liberal cultivation, and grow an intelligent, religious, and happy people. Moral susceptibilities are awakened only by the free play of a moral atmosphere. The saddest days of history have resulted from sacerdotal determination to subserve the national conscience to priestly power. Sacerdotalism is yet anxious to re-conquer its lost territory. It is not long since we were all blinded by its pretensions and asleep to its sins. Else why are our countrymen so meanly cultured, so morally debased? Whence the shameless misappropriation of educational trusts? The authority over the religious education of the people must be transferred from the priests to the people. The mental and moral progress of this country has been too long benumbed by sacerdotal claims. There can be no religious teaching when the soul is not free, any more than you can teach political economy to a slave. The recognition of the God in man is the prime factor of that self-abnegation which marks the true teacher. He must divest himself of all human authority, and freely acknowledge his own submission to divine law. Then only is he a true religious teacher, and then he cannot divest his teaching of the sanctity that hallows his own life. Unsectarian education is the only means by which those higher forms of religious thought and life which lie beyond and above our sectarian churches can have free play to raise our people in the scale of nations, and enable us to play our divinely allotted part in the "education of the world."

DISCUSSION.

The Rev. W. L. CLAY: I could follow up Mr. Bartlett's paper by a simple and emphatic amen; but there are two or three points in the papers which have been read, upon which I should like to touch briefly. Canon Norris in his very interesting paper stated, that when the question of education was first brought before the

country, some thirty years ago, the verdict pronounced was not only distinctly in favour of religious, but also of denominational, education. Now, I don't think that is an historical fact: the fact being rather, that when the statesmen of that day attempted to move in this educational work, they found the country at large was totally apathetic with regard to the question, and that the only persons who cared for it were the denominational leaders. They, therefore, had to take the zeal of the denominational leaders as the only motive force then in existence with which to drive the educational machinery they were about to call into being. Since that time, however, thirty years have passed; I believe the indifference of the general public has passed away too, and that the time has now come when the control of education may very properly pass from the hands of the denominational leaders into the hands of the people at large. The people at large have no difficulty in the matter, and the solution they will adopt, I am inclined to think, is the solution which Mr. Bartlett has put before you; that is to say, a simple Christian education, out of which the sectarian element shall be as far as possible eliminated. I believe the working classes do not only desire that the education shall be not secular but Christian, and when they get the power in their hands they will insist on making it Christian and not secular. In my own school, from the fact of its teaching being unsectarian, I have both Nonconformist and Roman Catholic children. The teaching, I am convinced from experience, must be in the hands of schoolmasters or schoolmistresses; it will never do for the denominational clergy to come in at the time of the religious lesson, and take it out of the hands of the schoolmaster or schoolmistress, for that will be casting a slur upon the master or mistress in the face of the pupils. Then the question at once arises, who is to appoint the teacher? I answer, the school committees; but this only takes us a step further back in the difficulty. Who are to be the managers? At present in almost all the schools, being Church schools, they are churchmen; but the moment we get, and we must get, rates, they must be changed. In considering the question, whether it is impossible to make the teaching religious and denominational, we are met with two difficulties; first, a theoretical difficulty, which has been met by the last paper, and a practical difficulty. At this moment, the control of education is in the hands of denominational leaders, that is, mainly in the hands of the church clergy. Now, are they prepared to accept a broader system? Are they prepared to accept a broader, simpler Christian teaching? or, are they not really prepared to say, "We insist upon teaching our Church system in its fulness?" Will the clergy say this, or accept the broader national programme? There is the difficulty and the danger. If the people cannot transfer the present system, they will work side by side with the system, and eventually the old narrow system will die out in the presence of the new and broader system. I say, in looking to this prospect, I do earnestly desire that the Church clergy should remember that they, at any rate, profess to be the national clergy—the clergy of the national Church—and that if they would be true to their own position before the country, they must endeavour in this matter to meet the national wish.

The Rev. W. ARTHUR (Belfast): I propose to confine my remarks strictly to the question, whether a non-sectarian scheme of education is inconsistent with religious teaching. That question does not include, in my view of it, many of the topics which have been handled this morning. I see two things in the question proposed to us, and I am asked whether the two things can or cannot stand together. The one is an unsectarian system, the other is religious teaching. If you set them both up together must they inevitably fall asunder, is it impossible they can exist side by side? I presume that whatever may be said in favour of theories, we come to sounder conclusions by discussing facts, than we do by discussing theories without regard to facts. Then we must inquire whether we have any facts in existence. It is true it has been rather deprecated that we should go either to America or Ireland; but no deprecation will put facts out of existence. The American system is there, and the Irish system is there. I ask, does the simple fact establish a negative to the question? I am answered, "Yes," for I am told that an unsectarian system is inconsistent with religious teaching—first with general religious teaching united; secondly, with distinctive and special religious teaching separately. I know that many will say that the religious teaching of the

American system does not amount to much. I believe it is not breaking down. I am speaking as to facts. What is the amount of religious teaching? The Bible read without a note or comment; the Lord's Prayer offered up. That is not much, but when it comes to a question for England, and for the future, I say deliberately, that if you give me any choice, having regard to the effect upon the future of this nation, I prefer schools in which the religion shall consist in the solemn reading of God's Holy Word, and the offering up of that divine prayer without the catechism, to a system comprehending any catechism you can give me without the Bible. The report of Mr. Fraser on American schools will not be for a moment suspected of any favour towards these schools, and what does he say? He says, "I do not, therefore, like to call the American system of education, or to hear it called, irreligious; it is perhaps even going too far to say that it is non-religious, or purely secular. If the cultivation of some of the choicest intellectual gifts bestowed by God upon man—the perceptions, memory, taste, judgment, reason—if the exaction of habits of punctuality, attention, industry, and good behaviour—if the respect which is required and which is paid during the reading of a daily portion of God's Holy Word, and the daily saying of Christ's universal prayer, are all to be set down as only so many contrivances for producing 'clever devils,' it would be vain to argue against such a prejudice." Now, as to the future of the American system, Mr. Fraser says, "Sorry as I should be, with all its imperfections, to give up the denominational principle of education, because I believe it to be the best possible for us here, I should consider myself to be tendering a most fatal piece of advice, if, with all its advantages, I recommended its adoption there." Now, Mr. Fraser thoroughly understands the subject, and knows the mind of the people with whom he is dealing; yet, notwithstanding his own predilections for the denominational system for England, he believes he would not be giving good advice, but bad, if he offered that system to the Americans. Now, as to the Irish system. That is a non-sectarian system and it exists consistently with religious teaching, and consistently with definite religious teaching given to the pupils separately. The idea of that system is not new, it is very old. I take the national school in Ireland; it is generally a mixed school. It has been said that that school is bitterly opposed by the hierarchy of the country, and that the power of the hierarchy is aimed not merely at its modification, but its destruction. That gentleman believes they have a good hope of success. I hope not. If you hope to play into their hands, then stick simply to their programme of a purely sectarian system. Undoubtedly you will raise the question—The Irish system for England, or the English system for Ireland? As to the merits of the two I don't hesitate for a moment. The schools are mixed schools. Let me quote my fact. The people give such testimony in favour of the Irish national schools as I say is not to be quoted in any other country in the world. Against the unprecedented power of that hierarchy, against all the spiritual terrors they can bring to bear, against even the terrific threat of depriving them of the sacraments of the Church, which in their belief is depriving them of the kingdom of God; against all that, the people send the children to the schools. Take Ireland throughout, you will find that about 60 per cent. of the schools are mixed schools, and in Ulster, the only province where the whole population is mixed, you will find that about eighty-nine of the schools are mixed schools, in spite of all the power of the priesthood. The model school of Ireland is the best model school we have. There the pupils receive the ordinary education in common; they receive the religious teaching separately from the various ministers of denominations. The thing exists and it may exist. The State must take the initiative in forming schools, it cannot longer wait for the denominations. It must proceed. I say deliberately, that I should have more confidence in the guardianship of the religious element in the education of the country, if confided to the general vote of the ratepayers, than I should under existing circumstances, if that guardianship were entrusted exclusively to the clergy. I believe I may say that the great question of a national system will not be connected any longer with questions of denominationalism, and that the country is prepared for a non-sectarian system which yet shall not be irreligious.

Dr. PANKHURST: The whole of the educational system in Europe, and in our own country, varying as it has been in its forms of expression, has taken its origin

from one principle. Wherever education is an affair of the Government, what the Government does depends essentially upon the theory of the government which does it. Now, what is the fact? Why, ever since the rise of Christianity, governments have nowhere in our time assisted education, except as to the absolute and essential condition that some forms of religious teaching was involved in the educational code. I submit, therefore, that the stages of political progress, as submitted by Canon Norris, are not complete. The first stage of governmental education is this. Here the nation assists education upon the understanding and conclusive presumption that all the persons whom it assists are Christians, and Christians of the same ecclesiastical type. The assistance is given by command of one body of national clergy, who in that view are the servants of the State, and they give one sort of teaching to all the subjects of the State, on the presumption that all the subjects of the State hold the same religious opinion. That is the first stage. But we are in the second stage. The theory of our Government is that the religious element is involved in every nation with government; but it goes further because it finds that we are not all of the same ecclesiastical type, and therefore it is in view of a religious something that assistance is given. What that religious something should be, and is, is left to the school itself. The assistance of the State is given as involving essentially the principle of religious teaching. The third stage is that which Mr. Canon Norris contends for—the undenominational system, where there shall be a system of religious life pervading the place; it shall be a religious system, but it shall start from a point of common opinion, of common thought, and common feeling, so that nothing that is done in the school, in the name and under the sanction of religion, shall conflict with the conscientious scruples of any of the members of the community to which the pupils may belong. The basis of secular teaching is that the Government, existing as it does exist by virtue of the general voice for common objects, cannot do with government money anything which the nation as a whole is not agreed upon. The nation as a whole is not agreed as to religion, and therefore the national money cannot go to support religion. Canon Norris comes to that conclusion with reluctance; it is forced upon him, but there are a very large number of citizens in this empire who come to the conclusion willingly from conviction, and desire to extend it to others. The Rev. Mr. Arthur suggests the question of the Irish system for England, or the English system for Ireland. My answer is, the secular system for both.

MR. PEARS: You have heard that the question submitted to you to-day has been already practically solved in America and Ireland. I will not deal with either of those countries, but will say that the question has been practically solved in many more countries than the two mentioned. There are many members of this Congress here, at Bristol, who belong to the Australian colonies. It is more than probable that there are now listening to me Australians who can confirm my statement when I say that throughout the whole of the Australian colonies this question has been practically settled. In Tasmania, the religious difficulty does not exist, and it has been found there that an unsectarian system is not inconsistent with religious teaching. The way in which the whole matter is dealt with is simply this. Schools are established by the State; good masters are found; the masters usually teach no religion whatever; teach no morality from its religious side whatever, but from nine to ten in the morning is set apart for religious instruction, and during that hour the minister of any religious denomination may enter the room and give instruction to the children of his own denomination. I have seen the Episcopal clergyman, the Wesleyan minister, and the Roman Catholic priest working at the same time under the same roof. Generally the ministers find it convenient to appoint two mornings a week, and give religious instruction then; but no practical difficulty is met with, and I challenge any one to adduce an instance of a hitch having occurred in the working. But although this is the case, I think we could find an improvement on the colonial system; the difficulty might be solved in a better way. There is just this weak point in the Tasmanian system; in a school of 100 boys, there may be fifty children whose parents belong to the Anglican Church, and the rest may be made up of Roman Catholics, and Protestant Nonconformists of several denominations. Now, it would be irksome

for a minister to have to attend to give instruction to a few children, because their ages may vary considerably, and the instruction suited to a boy of fifteen will be obviously unsuited to a boy of seven. A better arrangement, therefore, would be to set apart a Wednesday afternoon, or a Saturday morning, for religious instruction from the clergy of their several denominations. I disagree with the Rev. Mr. Clay on one point. His system is admirable, but it is obviously difficult to find the right man to carry it out. This is its weak point; like despotism, to be successful, the ruler must always be wise. No system is good which is founded on the heroic virtues. In the denominational system you have an enormous waste of labour. The denominational system is inevitably more costly than the thoroughly national system, and nothing like so effective. You cannot get such good schoolmasters in the denominational system as you can in the national system, and this is a great point, because if you produce good schoolmasters you may let the schools take care of themselves. Schoolmasters in the denominational system will be more or less under the control of the clergyman, and however amiable any particular clergyman may be, I ask, is it likely that men of education, men whom it is desirable we should attract to the ranks of the teaching profession, would submit to enter a profession where they come in simply as subs to a class which, though it undoubtedly ranks above them, is separated from them by a gulf over which the national schoolmaster has no bridge?

Dr. Rigg: We have been told that this question has been solved by facts, and we have been referred to the States of America, the colonies, and to Ireland, as places where it has been so solved. I will take leave to look at these solutions which are established by facts. I have not a word to say against the conclusions which have been announced with regard to the American system in general by Mr. Arthur, nor in regard to the Australian system by the gentleman who spoke last. But I say that these systems are established in countries under utterly different systems of society than that we now live in here. Unless your facts are presented to us in connection with a population which would in some fair measure bear a parallel to the population of this country, we cannot accept those facts as a fair basis for argument. As the population of this country does not bear a fair resemblance to the population of the States and colonies, we cannot deduce from the state of the colonies any conclusion whatever in regard to our own country. Give me a population enfranchised as the population of the colonies and the population of the States—give me a whole people who are enfranchised, and are in the social condition of the people of the States, and I for one am content to say that under whatever disadvantages, a common system may flourish there and be thoroughly effective. Many years ago, on examining that question, I came to the conclusion that the Canadian and Australian system was good for the colonies, and that the States' system was good for the States, but that neither of these systems would do for England. In Ireland the condition of things is not only not identical with ours but actually contrasted. In Ireland you have two classes of population, the Romanists and the Protestants. But we in England have a rural population, of which you can find no parallel in the States or the colonies. We have a town population to which you can find no parallel in the States, except in the city of New York, and we have to deal with that population. Mr. Bartlett astonished me by comparing the case of the people we have to look at with the case of the sons who are sent to Rugby, for he says, "We ourselves have been to Rugby, and if we have got on without denominational religion, why cannot the children of the costermongers of Westminster get on without doctrine in their schools." That inference does not hold good. Mr. Bartlett, and all who belong to his class, have the necessary amount of Christian instruction in their houses, and in the society in which they move, where they are also subject to a variety of Christian influences. Those for whom we are bound to act are lacking in these particulars. Are those for whom our compassion is invoked surrounded in their homes by Christian influences? Those who have studied this question for the last five and twenty years—every great name that has been devoted to the study of this great subject from the time of Lord Lansdowne and Lord Russell downwards, has been of opinion that what is most of all needed for the lowest classes of this people is Christian influence, pervading as far as possible their social life; but that, if you cannot secure it first there, you must try to give the people a

sample of it, a taste of it under the influence of the Church, and of the teachers in the school. Now, we have been told again and again by those who are advocates of a broad and renovated system, that after all everything depends upon the character of the teacher. Granted; but where is the teacher to come from? how is the teacher to be trained? There, sir, I touch the weak point of the American system. Even in the State of Connecticut itself, which may be taken as a model on account of its training organisation, a large number of the teachers are very deficient, and I am perfectly certain will not bear comparison with the certificated teachers in this country. This is admitted by the inspector of schools for the State. You have, therefore, to consider the training schools, and this is more necessary in England than in the States, because there, although the teacher may be deficient, the boy will pick up what his teacher has failed to give him from the mental activity of the people. My belief is that a denominational system may become an integral and essential part of a broad national system; that it is quite possible to make denominational schools a part of such a system, and in harmony with all that belongs to our English life and institutions. If we should find that we need to take such agencies as there are, such organisations as there are, to deprive them of all that is sectarian will not destroy their denominational bases, which is the source of the inspiration of their Christian zeal. We must do away with the present multiplication of officers. Why should not we have a common system of inspection instead of as many systems of inspection as there are denominations? That would relieve the case to some extent. And why should not we, as I take leave to say we must, have an effective, universal conscience clause? Those who say, "no" may say "no" till the flood comes, but an effective universal conscience clause must be had. I speak as a Wesleyan, as one connected officially with the Wesleyan system of education, and I say that that is a point on which we have a right to insist in the case of schools. The old proverb says, "The mill of God grinds slowly, but grinds small." I do not want to go slowly, but I do not think we should pluck up everything by the roots, and after having made a *tubula rasa* of the whole, thus lay the foundation of a new sort of school. I have great faith myself that after much conflict of ideas and friendly co-operation and intercommunications, we shall come to such a safe solution of the case as has been indicated by my friend, Mr. Arthur, in which we shall do all that is just on behalf of the nation, and yet live in possession of the right we have acquired ten times over to existing organisations.

MR. JESSE COLLINGS: I was sorry to hear the last speaker close his remarks by a demand for a good conscience clause, because I believe it to be waste of time to talk of conscience clauses in the present state of affairs. A conscience clause means this. Out of one hundred children in a school, fifty of them may be retained to learn something deemed essential to their salvation, and the other fifty may be dismissed to play marbles as if their salvation was of no consequence. This is, in fact, to tell both sets of boys that it does not matter what they believe. Under these circumstances I think it would be better to have no conscience clause whatever; indeed, if I were a clergyman, and held that certain things were essential, I would on no terms admit a conscience clause. One gentleman has referred to Connecticut, but I will quote Mr. Fraser, not as to one State, but as to the whole. He says, "It is a system of which it is no flattery or exaggeration to say that it produces, not the most highly educated only, but the most religiously and intelligently educated people on the earth." Mr. Fraser states this in his summing up. Canon Norris says the denominational system is in possession of the field; I say it is in possession of a very small part of the field, which it tills as well as it can, but not up to the standard required by the present state of agricultural science. No one is more ready than I to admit the great sacrifices the clergy have made for education, but it remains that we have a great number of children still uneducated, and we must seek some other system to complete the work; I believe it will result in a friendly agreement with the Church, to be followed by a vote in Parliament.

THE REV. H. SANDFORD: I feel some diffidence in speaking on this question, because there is so much to be said on both sides. I quite admit that we might bring home to the hearts and consciences of young children many Christian

truths, without teaching them the Church catechism, and I cannot help agreeing with Mr. Bartlett in his remarks upon the absurd ideas people have of the mental capacities of children. I agree in the main with Canon Norris's statement that you cannot get Christian men to act as schoolmasters who have not been brought up in connection with some denominational system. The great difficulty is to get schoolmasters, who are earnest Christian men, if they have not been brought up in connection with some denomination. It is of course possible to get such men, but they are exceptional. There is one point in favour of the denominational system, which Canon Norris did not mention, and that is, how are you, without the clergy, to carry on the education of the country, not only in the rural districts, but in our rough manufacturing and mining districts, which are left at present almost exclusively to the clergy. You must remember that you get an immense amount of labour out of the clergy for schools which they give entirely free from cost. Now, Canon Norris spoke as if he would not have a rate system without it was a non-sectarian system. Upon this point I wish to call attention to two facts; first, that throughout Germany every denomination is bound by law to support its own school, and the denominational system exists there. People do not like the unsectarian system; even in Holland, where it is in force, the people are setting up private schools because the Christianity taught in schools is of such a diluted character that they cannot put up with it. Besides, in schools supported by rates you will have a denominational system more or less, and the action of the Royal Commission of 1858 showed that when they recommended that aid out of rates should be given to schools, they had no desire to destroy the denominational system, but only wanted to keep up the existing schools, and give them help from the county funds. While on the one hand, therefore, I very strongly wish to see clergymen making concessions in order to gain the great advantages of a rate in aid to our schools, and a law of compulsory attendance, I have a strong desire to see the two systems combined together upon a liberal and comprehensive plan.

Mr. W. BARCLAY remarked that the pupils in every description of school in this country, from the top to the bottom, were instructed far too much in the articles of faith held by different sects, and far too little in the law as expounded in the sermon on the mount.

Mr. THOMAS TURNER: I wish to place before the Congress my views as a practical teacher upon this subject, and I may premise that I have taught the children of the working classes of this city to the number of 10,000, and that for the last four years I have had under me some hundreds of the middle classes. I therefore approach this question with special experience of a kind which should be very serviceable to us in our consideration of the matter, and I regret that we have not had more of it to-day. There never was a time when the children of the working-classes of this country were in a state of greater ignorance than during the last quarter of the last century; and the person who made great efforts to dispel that darkness was a man who began his operations on the broad principle, that we have a common Christianity, and that there are points upon which we are all agreed with reference to the duty of man to man. I refer to Joseph Lancaster, who gave an impetus to education and excited an enthusiasm in respect of it, unparalleled in its character. From the king on the throne to the most humble philanthropist, the whole country was earnest in the cause of education. We had, then, the grandest, largest, and most enthusiastic movement in favour of a general system of education for the masses, projected under the sanction of the Royal Society, that this country has ever witnessed. Seeing that history has shown us the solution of this question is possible, that a modification of the Lancastrian system for the worse has taken root in America, and has brought education within the reach of the whole of the people of that country, I say we should go back to the period to which I refer, and, studying the educational movement of that day, see whether the principles then acted on were sound, and whether it would not be well to act upon them now. The British system is not denominational; it is classed so, but I, as a Churchman, say it is in no respects denominational to take the Bible and go through it, selecting those leading principles which crop up in every page of it. You might frame a scheme of religious instruction which could not fail to be acceptable to all denominations, and which might form the basis of a system

deserving the title national. One other word as a teacher; I have found that instruction in morals relating to the practical duties would be listened to and be appreciated by boys, and would, in all probability, become the basis of action in life, while the dogmatic teaching of any system of religion would utterly fail to impress the pupil, and would, in all probability, fall entirely to the ground.

Mr. O. H. BRACEBRIDGE appreciated the practical solution which the Rev. Canon Norris had given, and instanced the case of the American missionaries in Constantinople having started and carried on schools there, in which they read the whole Scriptures, and expounded them without reference to dogma or any reference to the Church systems, with the full sanction of the patriarch. These schools had been in existence from 1833 to the present time, and embodied the principle for which the majority of the speakers seemed to be contending, namely, a religious but non-sectarian system of education.

Mr. ALFRED BOURNE (Secretary of the British and Foreign School Society): I am surprised that so many difficulties should have presented themselves to the gentlemen who have read papers upon the question, because none of those difficulties are known to those who have practically to do with the work of education. If some of those who think much of the difficulties mentioned would but visit our British schools in Bristol, or any other part of the country, they would find the problem practically solved. In the 2000 schools, or thereabouts, established under the British and Foreign Schools' Society, all of which are open to the inspection of any person who may choose to visit them, will be found teachers of all denominations, including the Episcopal Church, and those teachers, being well qualified to instruct the pupils in all secular matters, give them such religious training as is necessary, without dealing in dogma or anything which could possibly be offensive to the parents or friends of the children. Scriptural instruction is given, and the foundation is laid as far as possible for whatever superstructure in the shape of dogmatic teaching the friends of the children may please to build in subsequent years. As to the training of the teachers, which has been referred to by Dr. Rigg as the greatest difficulty in connection with any undenominational system of education, I fancy the British and Foreign Schools' Society has solved that problem also. At the British and Foreign Training Colleges in London, if any visitor were to attend the classes, inquire as to the denominations of the several students there, and inquire as to whether anything in the shape of dogma is offered to them which they cannot receive, and, on the other hand, I would ask them to inquire whether the Scriptures are read and to what extent religious teaching is given, I am sure those visitors would come away with the feeling that it is not impossible to carry on the education of our country on the undenominational system. The only way we can meet the difficulty in the case—and I speak from practical experience—is to respect the religious convictions of all with whom we come in contact. Practically these questions, of which so much is made, have no real existence when they come to be dealt with. I can refer you to committees of British schools all over the country for confirmation of my assertion, that when application is made to us for a teacher we are told of the number of the children, the size and resources of the school, but no mention is made of religion, and we are never applied to for a teacher of any particular denomination. In some cases we are applied to by denominational schools, and in these we endeavour to meet their wishes, but the applications in most instances come from British schools, without reference to creed.

The Rev. J. PERCIVAL: One speaker this morning has expressed an opinion which must commend itself to the common sense of every practical teacher. He said, what most schoolmasters have long since found out, that the outside public are very much inclined, in discussing the religious question, to exaggerate its character. During ten years I have been teaching in a distinctly denominational school, in which I have had many pupils of various denominations, but I have never, in my own experience or that of my colleagues, met with the so-called religious difficulty or anything approaching to it. I have, therefore, come to the conclusion that the whole problem could be solved by the one condition, that the teacher should have common sense. At the same time, however, we cannot ensure common sense in all teachers, and what, perhaps, is more important, the public generally feel very deeply that there is an absolute difficulty, and this feeling has

to be removed, because, although a matter of sentiment, it is none the less real. We have, then, to establish some system in which the great majority of the nation shall have confidence. Unless the parents have confidence in the teachers the education will be imperfect, both as regards the gross number under instruction, as well as in the quality of the education. The choice seems to me to lie between denominational schools, with a strict, clearly defined conscience clause, undenominational schools, and secular schools. I don't feel particularly alarmed at any one of these, then, being the national system. Whatever is established as the new system will not, I am convinced, destroy what at present exists, nor will our English system be much altered. My own educational creed is very brief. Let us have education at all cost. It is absolutely necessary to have a system which shall embrace the very lowest branches of society, and I am content to acquiesce in either of the three systems I have named, if it but ensures that every English child is educated. I should of course prefer that the children have a religious education, and would advocate that course with all my strength. Perhaps a modified American system, with the Bible as a text-book, would be the measure of my idea, but I should not like the teachers to be prohibited from commenting upon the book, for, from my own experience, it would not be often that those comments need touch upon controversial questions. At the same time I should accept with satisfaction a perfectly good secular education.

Sir EDWARD STRACHEY, Bart.: The question as it presents itself to me is not whether it is possible to sketch out a non-sectarian system, but whether it would work. The Secretary of the British and Foreign School Society says it does work, but unfortunately we have to set against his statement the fact that, whereas the British and Foreign Society educates only 14 per cent., the denominational system educates 85 per cent. of the children under instruction. And it seems to me that this is rather fatal to the assertion that a non-sectarian system is possible. It is a fact that all earnest men do belong to some definite faith or other. Perhaps a few here and there, although earnest, can rise above all differences of creed. It seems to me that before we can have an unsectarian system we must have a universal Church. It is the dream of Dr. Arnold and the Dean of Westminster, and until that dream is realised, a non-sectarian scheme of education is impossible. As Mr. Matthew Arnold has said in those pages, which have been referred to more than once to-day, the Bible is the literature of the poor; it is to the poor what Greek and Latin literature are to those of higher station, and it is impossible to give a thorough education to the poor unless you have the influences of the Bible acting on their minds and hearts as the literature of one of the greatest nations of antiquity. You cannot have any practical religious education unless you have it carried on by men of definite creeds.

Mr. W. BREWIN: Throughout nearly the whole of the continent of India, where I have visited much, it is proverbial that people will send their children to the best and cheapest school irrespective of particular books that may be used there. They judge of the general results of the education, taking into consideration the time and payment. It has been referred to by a few, but all who have had to do with it know as a fact that the masses of the people in this country have no difficulty in deciding whether they will send their children to the British school or not, except in the matter of payment. It not unfrequently happens that poor families are unable to afford the required pence for each child. The difficulty of the system coupled with the fact that it is dependent on voluntary support; and these two causes have brought about the result which we all deplore—that it has not been found equal to the wants of the country. I see no great difficulty in carrying out a similar system under Government, and if this were done, the great difficulty would be solved.

The CHAIRMAN, closing the discussion, said: I have been struck, in listening to this very pleasing discussion, with the smallness of difference between such of us as have differed; we have found that from all directions we have a convergence of opinion, and a desire has been exhibited by speakers in every case to give as much as they conscientiously can, and to acquiesce in the utmost in their power from their opponents. Surely if there is such unanimity here among men trained in special schools of thought, we may expect to find a corresponding unanimity outside. I feel sure that if a spirit of give and take prevails we shall have no difficulty in

solving the problem. I am in a rather peculiar position, because I have never been able to understand, since I thought upon the matter, the difference between secular and religious matters, of which some make so much. Secular means the age, or that which is in time; not this passing fleeting age with its fashions, but the whole of time, which takes in a large space, and indeed brings you very near indeed to what you call eternity. I suppose we must call arithmetic a secular subject, yet if all the universe were destroyed, or had never been called into being, the laws of arithmetic would be the same as they are now. So the more deeply you look into the matter, the more deeply you feel that there is an element in the question which brings you very near to the throne of God. Unless I become, which I do not feel inclined to become, a positivist, and with M. Comte give up all ideas except those of science, I cannot leave children in the hands of purely secular teachers. I must follow up the secular teachers by saying to the pupil, "My child, this man is teaching you physics, and natural philosophy has been teaching you the law of God, although he has not been mentioning God's name." As long as it is my duty as a clergyman to do that, I ask for nothing more. Let secular schools be established to supplement the denominational system, and let them be utterly secular.

EDUCATION OF NEGLECTED CHILDREN.

How may the State best promote the Education of the Destitute and Neglected portion of the Population? By MARY CARPENTER.

"HOW the neglected and destitute portion of the population may be educated?" is a question which has not yet engaged the attention of the Government or of society generally. Reformatory, industrial, and workhouse schools are provided at great cost for those who need them, yet nothing has been done to prevent that need. But the country is at length awakening to the belief, not only that something ought to be done, but that something must be done, to remove the condition of frightful ignorance which disgraces our country, burdens society with heavy rates for the support of workhouses and gaols, and hands down a heritage of degradation to perpetuate something rotten in the State.

This has long been known to many, from the highest to the lowest, who have concerned themselves with the welfare of their fellow creatures. The late ever lamented Prince Consort, in his noble opening address to the Educational Congress at London, bore a most important testimony to the alarming number of young persons who, in this our Christian country, grow up into manhood and womanhood without ever having had the opportunity afforded them, by a suitable education, of developing those powers bestowed on them by the Creator, or learning their duty either to God or to man. On that occasion his royal highness emphatically pointed out the duty of the State to afford such education. Every missionary, every ragged-school teacher, every inspector of workhouses, every governor of a gaol, every one, in short, who comes into personal and intelligent contact with the lowest stratum of society, can bear testimony to the same alarming facts.

The Committee of Council on Education, through which alone

Government aid can be granted, have steadily refused to extend help to those schools which could not conform to regulations framed with a view to a class, requiring aid, indeed, but of a totally different kind from that which would meet the wants of the neglected and destitute portion of the population. The Reformatory Conference at Birmingham, in December, 1851, strongly urged upon the Educational Council the necessity of giving special attention to the education of this class, from which spring paupers and criminals, and to frame regulations by which schools should be suitably aided, which met their wants. It was without effect. Parliament granted reformatory schools and, subsequently, industrial schools—it made a large annual grant for pauper schools; but the Educational Council of the nation steadily refused to give that education which might have saved children from crime and pauperism, and the nation from an enormous annual expenditure. A third conference was held at Birmingham by the supporters of the reformatory movement, in January, 1861. Their ten years of experience had enabled them even more strongly than before to see the dangers to the country of leaving without education the part of society most requiring it. A fresh appeal to the Committee of Council on Education was, as before, of no avail, and lately a Parliamentary Committee sat on the subject. The advanced period of the session prevented evidence from being taken from Birmingham, Manchester, Liverpool, and other large towns, and chiefly confined it to witnesses from the metropolis; but though it was thus clearly established by the evidence, as stated in the draft report of the chairman, “that there exists in many of our great cities and towns, a class of children whom the system of national education, supported by Parliament, and administered by the Committee of Council on Education, does not reach, and who are excluded, in consequence, either of the faults or of the misfortune of their parents, from any participation in its benefits.” “We see no reason,” it is added, “in point of principle, why these institutions, (ragged schools) should not receive aid from the State, or why the State should not take the same pains to render them efficient in their educational capacity as it takes in the case of other schools.”

The final report of the Committee, however, makes no proposal to take any step towards removing the ignorance of the country, either by aiding existing schools for that portion of the population, or by establishing others. It recommends the action of the Industrial Schools' Bill, then passing through Parliament, for children that have already fallen under the grasp of the law; and referring to Denison's Act for out-door pauper children, the Committee left the education of the country in the condition in which it was previously, and this class almost entirely dependent on the voluntary benevolence of society. During the next year, the revised code occupied the attention of the country. It was hoped that this might have a more equal influence over the population, and that by making the conditions of obtaining help more simple, all might share its benefits. Such has not been the case. It is probable even that it has had the effect of increasing

the number of the neglected children, who, being unlikely to come up to the required standard of attendance or education, are not likely to receive equal attention from teachers, and are not welcome in the pay schools. Frightful revelations as to the educational condition of Manchester were a few years ago made by the zealous efforts of an educational society in that town. In almost every Congress of this Association the subject has been a matter of serious consideration. The state of the rural districts, as well as many poor parts of the country, has also attracted attention. In a paper read last year before this section in Birmingham, it was stated by Mr. Collings, that in a recent house-to-house visitation, 754 streets were canvassed, "the total number of children visited was 52,573; of these 7517 were under three years of age; of the remaining 45,056—32,997 had been to school at some period of their lives, while 12,059 had never been at school; those, however, who had been at school were there on an average—boys only one year and three-quarters each, and girls two years and a half, a period almost useless: 17,023 were then at school. The gaols' report was in harmony with this; of 3460 persons committed to the two prisons, 77 only had received any instruction worth naming.

Recent political changes have happily now awakened the country, and also the Government, to the necessity of taking some effectual means to remedy the growing evil; but a general apathy has appeared to pervade the country, as to the educational condition of those who neither could nor would provide it for themselves. But it is now proved that "ignorance cannot and will not die out of itself," as we have heard it stated; and that it is not sound political economy, any more than it is the duty of a Christian community, to leave the souls of the children without knowledge, because their parents are too poor or too careless to give it to them.

Earl de Grey, the President of the Council, in the debate on Earl Russell's motion on March 8th, last, stated, "that so far as the educational appliances of the country required to be supplemented to meet the wants of the country, supplemented they ought to be." The Home Secretary, the Right Hon. Mr. Bruce, has publicly stated his belief that education is better than punishment. On June 25th, he said still further, "What we want, therefore, is to animate our people with a greater desire for education; but it will not do to wait until their convictions on the subject are ripened. Parliament must interfere."

It is indeed full time to arrive at this result, when it has been proved by nearly forty years' experience that the action of the Committee of Council on Education has proved to be unequal to meet the great emergency existing. Even one of our inspectors, Rev. H. W. Bellairs, in his official report for 1868, says—"The present condition of education in Great Britain may be thus stated: one half of the children of the working classes, between three and thirteen years of age, are under no scholastic education at all; and of the other half it cannot be truly said that under the present system they will ever

be half educated." This startling statement is fully borne out by the Birmingham statistics to which allusion has been already made; the inquiries of the Manchester Society, and the evidence laid before the Education Council Committee of 1861, respecting the children who are not attending the pay schools, show that there are in London alone at least 60,000 of this class, of whom less than half are in actual attendance at ragged schools; similar evidence was given respecting Bristol, Edinburgh, and Aberdeen.

What means, then, are to be adopted to remove this enormous evil? How can we arrest the progress of ignorance, and worse than simple barbarism—how can we cut off the entail of degradation which is being transmitted, to our certain knowledge, from father to son, to the third and fourth generation?

No simple palliations will be of the smallest value; they have been tried without effect, and only blind eyes, unwilling to see, to the magnitude of the evil. The Report of the Select Committee of 1861 has led to no results. Its authors remained satisfied with the fact that "the London Ragged School Union, with Lord Shaftesbury at the head, are opposed to any Government grants being made to Ragged Schools" (*vide* Report), and consequently left without an effort the 33,000 at least known to be under no instruction in London, with the tens of thousands or millions in other parts of England, while all the ragged schools in various cities were vainly striving, with inefficient means, to cope with a small fragment of the mass of evil. The only recommendations made by that Committee were that "admission into Government Schools should be secured to destitute orphans, deserted children, and the children of out-door paupers," and that "whatever children are not reached by the Industrial Schools' Bill then passing through Parliament should be left to the missionary exertions of the Ragged School Managers!" It was not explained what the "Government Schools" were, or how the guardians of the poor should be induced or compelled to take care that these miserable children attended them, nor was it perceived by that Committee that to send tens of thousands of neglected children to certified industrial schools, under magisterial sentence, at an expense to the Government of 13*l.* per annum for every child, instead of 1*l.* or 30*s.* which might have sufficed for education, would not be economical, to say the least; it would for many reasons be neither wise nor right.

Since, then, we can no longer hope that the Educational Committee, or a Parliamentary grant, can meet the wants of the country, it is evident that the people must take the burden on themselves, through a local educational rate. This was the basis of a Bill introduced by the Secretary of State in the last session; such is also the basis of the Birmingham Educational League; it will, I trust, ere long, be the law of the land. Repugnant as it has hitherto been to the genius of our people, and great as are the dangers of the abuse of such a measure, yet without taking as an example continental nations, the spirit of whose government is very different from our own, we may

hope, from the successful working of such a measure in our sister country, the United States, that a good education, open to all without distinction, and under the management of the citizens of the country, must produce beneficial results.

Yet, that the results should meet our requirements, and that the portion of the community most needing education may be reached by it, we must not suppose that the simple establishment of good schools will be sufficient. Mr. Bellairs stated that the portion of the working classes who are at school will never, under our present system, be half educated. Why is this? The Manchester and the Birmingham societies, already alluded to, began their efforts with the intention of paying at National and British Schools for children who were prevented from attending them by the poverty of their parents. This produced little effect. Children thus paid for very rarely attend regularly. Other causes beside the want of the school fees prevent their being at school. Some years ago I visited in Manchester a large free school, very well conducted, and established expressly to meet the wants of parents unable to pay school fees. The scholars were evidently very poor, and glad to receive such aid, but the streets immediately surrounding the school were swarming with street Arabs, who had no desire to attend it, and who would certainly not have been welcomed had they wished for admittance. The Red Cross Street British School in this city was established in a low and poor neighbourhood that an impression might be made upon it—no such effect has been produced. An inspection of the adjoining bye-streets and alleys would convince any one that it would be impossible, and worse than useless, to attempt to introduce these children into that school; it would not meet their wants, and they would spoil its efficiency. Much evidence to the same effect was laid before the Select Committee by those connected with ragged schools, both in London and in the provinces; though a small number of the children attending such schools may be, and are, prepared to attend the ordinary schools, yet, as a general rule, they do not, and cannot; and the existence of a well-regulated ragged school in a parish by no means interferes with the attendance at the other schools, but often improves it. In the United States, under similar conditions, the same facts occur. In the city of New York, where there is open to all an excellent and free education, the same multitudes exist of neglected children who will not enter those schools, and who, if they did, would not be benefited by them. They require, like those in our own country, a special action from voluntary effort which shall adapt the means employed to their wants for New York. When that is supplied, by the agency of the Children's Aid Society, Five Points, and the Howard Institute, they do well, and become useful members of society. They required civilisation, and before they received it, no mere intellectual culture could avail them.

It follows, then, that to reach the portion of the population which most requires help, there must be special schools adapted to their

needs, and these should be under the management of persons who will devote to them much benevolent effort.

But it was said by the inspector that the education given was very inefficient. This seems strange, when we know how much effort has been made by the Committee of Council to raise the schools of the country to the greatest possible efficiency. Yet it is more than confirmed by the result of the Birmingham investigation. Out of 908 young persons employed in factories between the ages of thirteen and twenty-one, who were examined on the Fourth Standard, that is, reading an easy paragraph, writing the same, and doing the simplest sum in arithmetic in which money is used, only forty-one, or $4\frac{1}{2}$ per cent. were able to pass. Such a result arises in Birmingham, it is shown, in great part, from the inefficiency of the schools; but it is due also there—and in every part of the country—from a want of due appreciation on the part of the parents of the benefits of education, which leads them to be careless in sending them to schools, and chiefly from the deficient action of the Factory Act, this acting only where fifty or more are employed. The children are withdrawn from such as are under the Act, into small workshops, where they are in a far worse condition, and, though very young, receive no education. A stringent Act, similar in intention to the Factory Act, but preventing any children from being anywhere employed under a certain age, and enforcing the half-time system on those who do go, would, in our country, be a necessary adjunct to any scheme of education.

In all legislation intended to meet the educational wants of the country, I believe that local action will be of first importance, whether or not that is supplemented by central Government help; and it will be necessary to put that local action under the control of a body, selected not only for fitness for the work, but as truly representing the district without distinction of sect or party; at the source, however, this body should not supersede the action of voluntary management, where such schools as are under their charge fulfil the required conditions. It will evidently be for the advantage of the ratepayers that good existing schools, which would require only a grant for education, should be utilised in the general scheme, instead of incurring the cost of founding and maintaining new ones. A great additional advantage would thus be obtained, by calling out a greater sympathy and sense of individuality in the movement, and exciting a wholesome emulation among different schools. The experience of fifteen years in the reformatory and industrial schools, in which voluntary effort was an important element, fully confirms this view. It is one which is adopted in Mr. Bruce's Bill, and it is essential to the due adaptation of the system to the neglected and destitute class, whether in cities or in rural districts.

The introduction of this element into an educational measure would alone avert the danger of our establishing a system which might easily degenerate into mere mechanical teaching, and never touch the evil. With the following alteration to secure this, the

Birmingham League appears excellent in its principles. The object is—

“The establishment of a system which shall secure the education of every child in England and Wales.” The means are :—

- (1.) Local authorities shall be compelled by law to see that sufficient school accommodation is provided for every child in the district.
- (2.) The cost of founding and maintaining such Schools as may be required shall be provided out of local rates supplemented by Government grants, and efficient schools under voluntary management shall be aided from the rates.
- (3.) Schools founded and maintained by local rates shall be under local inspectors, and subject to Government inspection. All schools aided by local rates shall be inspected by local authorities.
- (4.) All schools aided by local rates shall be unsectarian.
- (5.) To all schools aided by local rates admission shall be free.
- (6.) School accommodation being provided, the State or the local authorities shall have power to compel the attendance of children of suitable age not otherwise receiving education.

With respect to the compulsory attendance, I believe that if it were made unlawful for children to be employed more than as half-timers with schooling, until they could read and write, and if the Industrial Schools' Act were thoroughly carried out, it would be unnecessary. This may be an after consideration. Let us all join in that great movement to provide suitable education for every child in the State.

On the Same. By Rev. W. L. CLAY.

It is confessed in almost all quarters that the present system of education does not reach, and is never likely to reach, certain neglected classes and localities. The radical defect of the system, namely, that where most help is needed least is given, is incurable. In thinly-peopled rural, and densely-peopled urban, districts, volunteer benevolence will never be able to maintain, even if it could establish, national schools, costing, as those schools must cost, 20s. a head per annum over and above the government grant. Nor is this all—full half, if not two-thirds, of the existing schools are languishing for lack of funds, and the Privy Council on the present plan can do nothing by way of help for such schools, except increase their inefficiency by the infliction of fines and deductions.

A thorough change then is needed, and there are not many educationalists who really believe that it can be effected without a recourse to school rates. At this moment there are two school-rate schemes prominently before the public, the one emanating

from Manchester,* the other from Birmingham. With the former in the main, I, for one, am content; the latter I must venture to criticise on one or two points, though in no unfriendly spirit.

There are six points in the charter of the Birmingham Education League: (1.) The local authorities are to provide sufficient school accommodation. (2.) They are to bear the expense with the help of the Privy Council grants. (3.) They are to have the management in their hands subject to Government inspection. (4.) The schools are to be unsectarian; and (5.) Free, and (6.) Attendance is to be compulsory.

Now, if the ground were clear for its introduction, I could not greatly object to this programme. I much doubt whether the country is yet ripe for any stringent measures of direct compulsion, though probably a great deal might be done in the way of indirect compulsion, by really enforcing the Factory Acts in towns, and extending them, in a modified form, to agricultural districts. Again, if "unsectarian" means practically (whatever it may profess to mean) "secular" education, I should be prepared to join almost any movement for resisting the de-Christianisation of our national schools; otherwise I would willingly accept this scheme, if the ground were clear for its acceptance. That the ground, however, is not clear seems to me a fatal objection.

There is a previous question to be answered before primary education can be properly dealt with by Parliament. Is the existing system to be virtually supplanted, or only developed and transformed? To me it seems that the problem is, how to put the new cloth of the rate system to the old garment of the voluntary system, without making the rent worse. The Birmingham scheme, however, is a supplanting scheme; for whatever professions may be made to the contrary, it would inevitably improve the present schools off the land. The Committee say, it is true, in their circular, that "the new machinery to be provided by the joint action of the central and local authorities need not injuriously interfere with those existing schools, which are satisfactorily educating the people;" but surely there must be men on that committee who have doubts on this point. Do they think, for instance, that in any quarter of Birmingham they could open a large new free school, with a good playground, a first-rate staff of teachers, and an abundant supply of school material, without "injuriously interfering" with the existing schools in their neighbourhood?—schools which, besides charging fees, are probably far less efficient, owing to the parsimony with which they have to be managed. A rivalry between the schools, old and new, would be inevitable, unless it were possible to assign to each school a district on the Saxon plan. But with two sets of schools on the ground, one free and the other not, school districts are out of the question; we could not make the people

* I refer to the "Manchester Bill" Committee, not to the recently formed "Manchester Education Union."

in one street pay for their children's schooling, while it was provided free for their neighbours in the next. Nor could the difficulty be met by levying a school-rate in the free school district; for the localities in which such schools are most needed, are just those in which the local taxation already verges on the intolerable. Whenever we get a school rate it will have to be a general one, levied over areas at least as large as the poor-law unions. For another reason, therefore, the Birmingham scheme must of necessity "injuriously interfere" with the present system; for school rates will diminish school subscriptions, and so drive the unfortunate old-school managers a step nearer insolvency.

And surely a Darwinian struggle for existence between two different systems of education is greatly to be deprecated. The voluntary system is the weaker vessel, and will doubtless succumb in the end. But it will die hard, and meanwhile there will be a grievous waste of money and energy, a grievous stirring up of ill-blood and bitterness. What we want is plainly some compromise which will utilise, drill, and not discard voluntary zeal. In the clergy the nation possesses a body of from 10,000 to 15,000 unpaid school superintendents, well educated, of good social position, diligent and vigilant, as a matter of duty, in fact, satisfactory, on the confession of their opponents, in every respect, but the one item of religious narrowness. Once thrown aside, their place will not be readily supplied. They have nearly 12,000 schools, with more than 1,500,000 scholars under their management. Are these schools to be consigned to slow atrophy?

And to avoid this miserable issue we have merely to devise some scheme which, while creating new schools where they are needed, shall foster, not destroy, those already in existence; a scheme which, instead of driving the clergy into antagonism, will bring them, under a not intolerable amount of compulsion, to terms with the nation.

In other words, we want a transitional, not a final measure. Such a measure is desirable on other grounds. We are not, for instance, as already intimated, prepared to go as far in compulsion as we hope to go ultimately. Again, it is plainly advisable to keep down the school rate till the promised re-adjustment of local taxation has been effected; eventually it will add at least 15 per cent. to the rates. But a stronger reason than either of these for resting content for the present with a provisional measure, is the necessity—for it is scarcely less—of giving the voluntary system a fair chance of an amicable coalition with the new *régime*.

I believe the "Manchester Bill," with some modifications, would effect this latter end, and at the same time attain almost all the objects which the Birmingham leaguers desire. Sketched in outline, the scheme I plead for is as follows:—

The present schools are, as a rule, in a state of low efficiency for want of funds. The first proposal, therefore, is that the managers

shall have a claim on the rates for one-third of their estimated *minimum* expenses, the one-third of course being a fixed sum—say, about 10s. a head on the average attendance. The conditions to constitute a claim, should be acceptance of Government inspection, observance of the conscience clause, and the admission of the rate-payers by their representatives to a share in the management. The two latter conditions would, no doubt, be unpalatable to the clergy, yet I believe the great majority of us would accept them as a low price to pay for relief from the harassing anxiety and heavy money loss which our present practically sole responsibility for the maintenance of the schools imposes upon us, and from the misery of seeing our schools greatly less efficient than they ought to be. And even if we were inclined to hold out, the Church & laity would apply the needful gentle compulsion, by simply turning a deaf ear to all appeals for help to pay off school debts, on the ground that the lacking money was to be had for the asking from the ratepayers, on terms which, to the lay mind, would seem highly reasonable.

With 10s. from the rates, and 20s. from the Privy Council (it is estimated that it will average 9s. 11d. this year), the managers will still have 10s. to provide at the least; and with an expenditure of a few shillings more, the schools might be vastly improved. As the managers are raising 20s. at the present time, I think they would easily raise 12s. 6d. or 15s., under the new order of things. The clergyman's power to obtain subscriptions from the laity would be destroyed, of course, if it were known that he might throw the entire cost of his schools on the rates if he chose; but, as under the present proposal it would be well understood that the amount claimable from the rates was strictly limited, and that the managers were responsible for the balance, I believe there would be no serious falling off in the subscriptions. If the 194,745 subscribers, who gave last year 492,941l. to the inspected schools, were to deduct from their liberality the amount of their school rates, the deduction would not amount, I calculate, to 10 per cent. And while I anticipate no serious loss in waning subscriptions, I am convinced that there need be none in the school fees. The point for which I most urgently contend, for the reasons already indicated, is, that the schools shall be all alike, fees charged in all, or else all free. I know no reason whatever for making them entirely free; unless the circumstance that they are so in Germany and America be counted a reason. But the fact that the primary schools are there used by all classes, and that this is not likely to be the case here for many years (not but what it is a thing in itself to be very much desired, and whenever brought about, free schools at once become the simplest arrangement), is quite sufficient ground for not importing the free school system. Awaiting then a reason that will convince us that the schools ought to be free, we for the present venture to urge that in the inspected schools alone last year the fees yielded 508,772l., a sum not wantonly to be thrown away in order to turn every pound now paid in local rates into more than a guinea. The difficulty that

the children of parents who cannot pay are now excluded is easily surmounted. In most schools there is already a free list for such children. Let it be made obligatory in all. The method would be very simple. No child should be refused admission because he brought no fee, but when the payments were—say three months in arrears—they should be recoverable in some summary manner, proved inability to pay, however, being held a valid excuse. To secure the manager from loss (especially in poor neighbourhoods, where, with low subscription lists, they could least afford it), it might be well to allow them to charge the free children to the rates and leave the poor law guardians, or the "School Board," to proceed against the parents, if they thought fit.

If, however, the schools, for some occult reason yet to be produced, are to be free, let their gratuitous character go no farther than prohibiting the exaction of fees from recalcitrant parents. We plead for liberty, under the stimulus of having a third of our revenue to raise, to get all we can by any fair means short of compulsion, and we will contrive to get very nearly as much as we do now. We should be greatly aided in the undertaking if it were enacted (as on other grounds it most certainly ought to be enacted), that fee-paying parents shall have a voice, like the subscribers, in electing the managers, and be likewise eligible themselves.

So far then as regards the raising of the present schools to efficiency. Two things are needed, more money, and an infusion of new blood into the management. The latter object will be fully attained by introducing the representatives of the ratepayers and of the parents into the committees. It remains to be shown how we propose to provide neglected districts with the schools they need. It is commonly assumed that the voluntary system has reached the limits of its expansive power. A fact stated in the last education report of the Privy Council indicates very much the contrary. It was found that the Revised Code was draining away the supply of pupil teachers, and to meet this evil (among others) the minute known as "Mr. Corrie's minute" was issued. Up to Aug. 31, 1868, 11,700*l.* had been spent under this minute to promote the employment of pupil teachers, with the successful result of adding no less than 2697 to the number. These additional teachers cannot have cost the managers much less than 20,000*l.* beyond the grant—a fact which shows pretty significantly what this jaded voluntary system can still do under an adequate stimulus. I, for one, am convinced that, with a proper amount of help, volunteer zeal is competent to create very nearly all the schools that are still wanted. By a "proper amount" I mean the same proportion of the initial, as of the annual expenses, that is to say, two-thirds, one from the imperial and one from the local purse. At the present time the Privy Council grants are cut down to a maximum of 2*s.* 6*d.* per square foot, that is to say, as the code requires eighty cubic feet for each child, the grant will seldom reach 15*s.* a head, yet a school, exclusive of the cost of site, cannot be built satisfactorily under from 3*l.* to 4*l.*

a head. Speaking, roundly, then, the Privy Council offers a little over one-fifth of the cost. Is it any wonder, then, that school building has almost ceased? Is it not rather a wonder that the voluntary system, worn out as it is said to be, met a niggardly grant of 34,463*l.* last year with donations to the amount of 144,547*l.*? If instead of four-fifths, amateur zeal had only a third to raise, it would not be long before all the necessary schools were built. But even if I am wrong in this supposition, there is no conceivable objection to the central and local authorities erecting the school and assuming the management, provided they do not make the school a free one in rivalry to the fee-charging schools of the neighbourhood.

I know it will be said that this scheme will never succeed, for the ratepayers will not pay for denominational schools. My answer is, in the scheme I propose all the hard angularities of denominationism will soon be smoothed off. Pray mark what anti-sectarian results must of necessity follow. The conscience clause must be introduced into every school, and the clauses in the trust deeds which now require that the managers shall be members, if not communicants, of the Church of England, must be relaxed in favour of the representatives of the ratepayers and the parents, and so enable the Nonconformist wolf to sit down by the Church lamb on the same management committee. The Privy Council might greatly help the cause by refusing any longer to indulge the denominations in inspectors of their own, and by issuing directions to the said inspectors, to ignore entirely all distinctive tenets and formularies in the religious part of their examinations. Cold-watered in this fashion, the sectarian spirit would soon flag, catechisms and formularies would fall into disuse, and the way would be cleared for a simple teaching of the old, simple story of God manifest in the Flesh.

On the Same. By Rev. H. G. DE BUNSEN.

THIS is a subject of vast importance—too great to be properly handled in the short time allotted to its discussion in this place. All that can be done is to touch upon some of the most prominent points connected with this subject—a subject which must (like the Irish Church Question this year, or like the Representation of the People in Parliament, in the year before) ere long occupy the full and undivided attention of Parliament and of the whole nation.

And, first, what is meant by the term “neglected children”?

(1.) There are the children of the criminal class. These may be sent to reformatories, instead of being committed to prison, but not until they have been convicted of some crime.

(2.) Next comes the large class of “street arabs” (as they are termed), that innumerable and, alas, ever increasing mass of “vagrant” children, including the children of the scum of the population in large towns, or neglected country and mining districts,

whether of English or Irish parentage. For these again Parliament has practically provided, under the "Industrial Schools' Act," to which these "vagrant" children, belonging to a "semi-criminal" class, may be sent. But unfortunately there are whole districts, as *e.g.* the Black Country in South Staffordshire, East Worcestershire, and the North Staffordshire Potteries, where not the slightest attempt is made to enforce the law of school attendance in the case of these vagrant children, as there are no "industrial schools" in these counties to which children of this class might be sent, even if there were officials (which it seems there are not), whose duty it might be to see that they attend school. On the contrary, these children may be seen loitering in the streets, picking coal on the pit banks, being inured from earliest infancy into ways that must lead to crime.

(3.) The next class comprises the children of paupers and others brought up in Unions. The education received in these Unions is one that leads to pauperism, vagrancy, and crime, and the instruction given in the schools is, I fear, not of an elevating character. But in some few cases Unions have combined, and established an industrial school, as *e.g.* that of Quatt, in South Shropshire, to which the Union children are sent. The State should not allow the children to be contaminated by the many worthless characters who are inmates in every Union, but should insist either on their being educated in such district industrial schools as Quatt, or else on their being made inmates of respectable families in the different parishes belonging to the Union.

(4.) The last, and perhaps the largest, class of neglected children comprises the children of the working classes, whose parents, either through poverty, or through utter carelessness on the subject of education, do not send their children to any school whatever. In towns no doubt, and in some populous country or mining districts, there exists much real poverty, which makes it impossible for the parent or parents to pay even the low school fee of *2d.* per child.* But in agricultural and prosperous mining districts it is not, as a rule, poverty which keeps children of agricultural labourers, miners, carpenters, bricklayers, and of many other working men from school, so much as the drunken habits of the father, and often a want of proper management on the part of the mother, which prevent their children receiving even a smattering of education.

I might add a fifth class, comprising those children which do attend school occasionally, but, though their names may be found on the school registers, the education they receive is worth nothing, owing to the irregularity of their attendance, and the consequent impossibility of doing them any good whatever by means of instruc-

* In Birmingham, *e.g.* the "Education Society," after two years' canvass, has established the fact that there are some 4000 or 5000 children belonging to this class, whose parents cannot afford to pay any school fee whatever. (See Second Report to March 31, 1859, p. 25.)

tion. As a proof of the existence of such a class, it may be mentioned that the average attendance in our good schools is, as a rule, only two-thirds of the number on the books.

We have, accordingly, four (or, if you like, five) classes of neglected children. The number of these it would be almost impossible to ascertain with any degree of accuracy, though, in round numbers, the children that ought to be at public schools, and are not, are said to amount to the almost incredible number of fully one million, and if you include the criminal and semi-criminal classes, of nearly one million and a half. Thus—

Number of children which ought to be in public elementary schools	2,700,000
Average number in Church schools	2,000,000
Average number in Non-Church schools	250,000
	<hr/> 1,250,000
Children not at school	1,450,000

And yet (as I have just observed) this does not give the whole extent of the mischief, which is increasing year by year in this country. For of those children who are returned as attending some school or other, not more than one in six receives anything like an education, such as will enable him, or her, to carry on reading and writing, and other studies in after life. First, there are many schools which are not under government inspection—"Dame" schools, or, "Parochial" schools. And of the many schools of this kind which I have visited, I have met with only one which deserves the name of a good or tolerable school, in which (that is) the instruction given is at all equal to that given in schools under certificated teachers, who are under government inspection. I may have been unfortunate, but such is my experience during twenty years' diocesan school inspection.

But even if the schools are in every respect good schools, very few of the children in proportion are enabled to pass their examination in the sixth, fifth, fourth, or even third standards. Their attendance is so irregular that they forget all they had learnt at school in the interval between—say their one month's schooling, and the eleven months spent, either at home in idleness (through a supposed want of clothes or shoes), or in nursing the baby (because the mother is at work, or has two or three little ones to attend to), or else at some other work (such as "bird-tenting" and the like). Moreover, many children are withdrawn from school altogether at eight or nine years old, and the majority of children leave school at ten, eleven, or twelve. It is impossible, therefore, for the large proportion of these children to attain to any great proficiency, or to rise above the most elementary knowledge of scripture, reading, writing, and arithmetic.

If any one doubts these facts, let him attend some night school in a populous district, in town or country, and he will soon see how few of the regular night scholars can read or write with any fluency, or

have any real knowledge of scripture; *e.g.* in a large number of the night schools in the Black Country, the proportion of scholars that had been less than four years at a day school was found to be 60 per cent. The proportion again of these last, who were below Standard II., was as large as 70 per cent.

In what way can we meet this growing evil, and endeavour to reach all the several classes of our neglected children? It is an evil about which there can be no question whatever; an evil which, notwithstanding the praiseworthy efforts of individuals, and the spasmodic and partial attempts which have been made by the Legislature, threatens to engulf a great portion of the people in a state of hopeless ignorance and barbarism. For, be it remembered, we have not only to battle with defects and shortcomings in our present system, but also with the accumulated evils of decades, if not centuries, of neglect.

There does not appear to be any other mode of arresting the fatal progress of this great evil, and of attempting to educate all classes of children, than by making education compulsory in Great Britain—that is, compulsory on the parents, and compulsory on the employers of children; in other words, the State must enforce by legal enactments the attendance of children at school. The word “compulsory” I am fully aware is hateful to the hearts of all free nations, and grates upon an English ear. But, let me observe, there are two kinds of compulsion, the one direct, the other indirect. The one, the direct kind of compulsory education, is the law in Prussia, in North and South Germany, in several of the American States, and in several of the Cantons of Switzerland. But this kind of legal compulsion dates from the very beginning of Protestantism in some of the above-named countries, and in the rest it is coeval with their existence as independent free states.

(1.) And, first, with regard to Prussia and Protestant Germany, it was Luther* who, no doubt in accordance with the precept of the Apostle Peter, when he says in his first Epistle (iii. 15), “Be ready always to give an answer to every one that asketh you a reason for the hope that is in you with meekness and fear;”—insisted, in his address to the municipal corporations of Germany, in 1524, on the duty—the religious duty—of seeing that each Protestant child be taught to “understand and practise the doctrines and duties of its religion.” Ever since it has been recognised in Germany, whether enforced by enactment or no, as the “business of the Church to see that its youth did so.” This duty, universally adopted by all the Protestant princes of Germany, among others by the Princes Hohenzollern in Prussia, was gradually extended in such a manner that “compulsory education,” comprising, in addition to the knowledge of the Scriptures, and the peculiar tenets of the two denominations of religion, Protestants and Roman Catholics, reading, writing,

* See the Rev. Mark Pattison's “Report on the State of Elementary Education in Germany,” p. 206.

arithmetic, and history, had become universal in Prussia, by the end of the last century. And since peace was again restored to Europe, and more especially to poor suffering Prussia and the North of Germany, by the battle of Waterloo, this compulsory education has been regularly enforced in all parts of Germany, more or less, by legal enactments. It has now become so entirely one with the national feeling that, were the law to be abrogated at this moment, the nation itself, it is generally believed, would uphold it of its own free will.

(2.) We will turn now to the case of the two thoroughly free, republican countries I mentioned before, the North American States, and the Cantons of Switzerland.

(a.) In Switzerland, though there is a high standard of education, both in those Protestant Cantons which have adopted the law of "Compulsory Education," and those who have not, there can be no doubt, but that some Cantons, *e.g.* Zurich, derive great benefit from the adoption of a compulsory School Law. Mr. Arnold, in his Report to the Schools' Enquiry Commission (quoted by Mr. H. A. Bruce on the occasion of his bringing in his Education Bill) has instanced Zurich as a perfect specimen of the working of a good educational system (see p. 608 and following). The Rev. W. Lea, rector of Droitwich, who has visited its institutions, as well as those of other continental countries, declares that those of Zurich are pre-eminent, both as to regularity of attendance, and the standard of intelligence. Children in the Canton Zurich are obliged to attend school full time till they are thirteen; and between thirteen and sixteen they attend either an "Ergänzungs Schule," or finishing school, regularly, if their parents' means allow of this, or, if they are poor, they are obliged, till they are sixteen, to receive instruction in singing and religion, for two hours and a half each week. (See Mr. Arnold's Report, pp. 608, 609.)

(b.) What is the case in America? The Rev. James Fraser has shown in his admirable report what the system is, inaugurated by the State of Massachusetts, and generally prevailing in the north of the United States. Already in 1642, twenty-two years after the landing of the Pilgrim Fathers in Massachusetts Bay, a public Act was passed placing upon the municipal authorities the duty of seeing that every child within their various jurisdictions should be educated; and each citizen was compelled, under a penalty of 20s. for each neglect thereof, to have his children and apprentices taught so much learning as should enable them perfectly to read the English tongue, and obtain a knowledge of the principal laws of his country. Every child in the commonwealth has a legal right to attend the public school at or near his own home, and "no child can be excluded from a public school on account of race, colour, or religious opinions." Thus nothing can be more "precise or peremptory" than the laws in the North American States, by which attendance at the schools is enforced. And this on the ground so well expressed by Mr. Horace Mann (Rev. J. Fraser's Report, p. 14), when he says, "Under a

Republican Government it seems clear that the minimum of education can never be less than such as is sufficient to qualify each citizen for the civil and social duties he will have to discharge: such an education as teaches the individual the great laws of bodily health; as qualifies for the fulfilment of parental duties; as is indispensable for the civil functions of a witness or juror; as is necessary for the voter in municipal or national affairs; and, finally, as is required for the faithful and conscientious discharge of all those duties which devolve upon the inheritor of a portion of the sovereignty of this great Republic." In other words, the necessity of educating every citizen of that great republic has sprung up with the very idea of a Free Nation and Manhood Suffrage. That the law is "powerless" when "not supported by public sentiment"* (as an American said to M. de Tonqueville) is quite another question. The fact remains, at any rate, that two of the freest and most republican countries in the world, Switzerland and America, have acknowledged the necessity of compulsory education, as an integral portion of their very existence and constitution. This then is an argument in favour of even direct compulsion in education not being incompatible with the idea of liberty in a free country; therefore why should it not be introduced into this country?

But, without entering into this question, let us turn to the other kind of compulsory education—the indirect compulsion. The Rev. Canon Norris (in his excellent book, entitled "The Education of the People") defines this to mean, "the plan of making a certain amount of schooling a condition for hire up to a certain age." And in commendation of this system he urges the following three points (p. 25):—

- 1st. It has been tried, and found practicable † in our manufacturing districts.
- 2nd. It has there had a considerable effect in promoting education.
- 3rd. It is capable of indefinite improvement and extension.

Allusion is made in the above remarks to the several Acts of Parliament which have been passed since 1844 (really since 1839), beginning with the Factory Act, and ending with the Workshops' Act, 1867, and by which it has been endeavoured to bring certain trades under the obligation of attending to certain educational requirements as regards the children employed by them. The following are the provisions made by the four principal Acts as regards education.

First, according to the Factory Act (1844):—

- (1.) No children under eight are to be employed at all.

* See Rev. J. Fraser's Report on Education in the United States, p. 35.

† It has never been as yet required by law as a preliminary condition of employment.

- (2.) From eight to thirteen, in manufactures of yarn and cloth, and from eight to eleven in silk factories, the children are to work half-a-day, and the other half to be at school.

Secondly, according to the Printworks' Act (1846):—

All children under thirteen are to attend school for 150 hours, or thirty days, in each half year.

Thirdly, according to the Coal Mines' Act (1843, enlarged 1846):—

All children under twelve, are to attend school twenty hours per month (= to one day per week).

Fourthly, according to the Workshops' Act (1867):—

All children are to attend school for ten hours a week (*i.e.* two days, or four half-days), instead of fifteen hours a week (*i.e.* three days or six half-days.)

Of these four Acts the last is in most cases a failure, and its provisions are in too many places a dead letter. In one or two towns, *e.g.* Leek and Leicester, where efficient officers under the local authorities have been appointed to see that the Act be enforced, many children have been brought to school by means of it; at Leek upwards of 200 children from the (silk) workshops attend school as half-timers; before the Workshops' Act passed there were only seventeen half-time scholars. The case of this town and that of Leicester seem to show how much might be effected for education under this Act, if only the local authorities could be made to enforce it.

Of the remaining three Acts the only one which can be looked upon as being in any way a success is the first, that is, the so-called Factory Act, for in the textile districts some 54,400 children were attending school under the half-time system last year.

But though a large number of children are thus brought under the civilising influence of instruction, let us see what the results of this instruction were. In 1866, the Rev. H. Sandford, Her Majesty's Inspector, gives in his paper, read last year at the Social Science meeting at Birmingham (p. 393), the following statistics:—

“Out of 7948 young people under sixteen years of age belonging to the textile districts under the old Factory Act, who were tested *viva voce* by the certifying surgeons in the autumn of 1866, only 63 per cent. could read. In the pottery and iron districts of North Staffordshire, where the Act has been practically in force since 1864, only 26 per cent. In the mining district of South Staffordshire, out of 170 young miners, whom I have examined myself several times in the night schools, only about 42 per cent. could read the easiest narrative.”

It is clear, therefore, that in the first place the several Acts of

Parliament are very partial in their provisions, affecting a few trades, and not touching smaller workshops ; and, secondly, that even where the provisions of the Factory Act (*e.g.*) have been honestly applied, the education given is only very elementary, and fails utterly in the case of some 37 per cent. of those who attend as half-time scholars.

What can be done to remedy these defects ? And what to reach those children who are not as yet reached by any Acts of Parliament, or by the voluntary efforts of individuals throughout the length and breadth of the country ?

Let us see whether the whole education of the country cannot be consolidated so as to form one grand system, with its different ramifications.

(1.) The first thing to be done is to revise all the Acts hitherto passed on the subject of employment of children, the Factory Acts, the Printworks' Act, the Coal Mines' Act, and the Workshops' Act, and bring all the provisions of the several Acts under one and the same uniform system, making that obligatory which still is, in some cases, permissive.

(2.) Then extend this system to every kind of labour imaginable, allowing of no exceptions whatever in any kind of skilled or unskilled labour, whether in-door or out-of-door, in workshops or in coal mines, under regular employers, or under their own parents at home.*

(3.) This uniform system should recognise the following principles as law :—

First—The duty of the State to assist every parent, however poor, to educate his children, and fit them not only for their respective professions in after life, but also to fulfil the duties and responsibilities which, as householders, they will have to perform some day, with respect to their families, their professions, and the State, *i.e.*, as fathers or mothers, as working men or women, as householders, and as citizens.

Secondly—The duty of the State to guard the working classes against the ruinous effects of the great competition, and the consequent tendency of making men and children work too many hours a day.

Thirdly—To insist that no child shall become “full timer,” as

* I am alluding here to several industrial employments, in which children must be protected against their own parents. The following, as one of many instances, common in many parts of England, was brought before my notice. The nailers, *e.g.* bring home on Saturday night a certain amount of iron to be manufactured into nails, and delivered on the following Saturday. The father drinks on the Sunday, and continues drinking, till perhaps the Wednesday or Thursday following. Then, in order to complete his order by the Saturday evening, wife and children, of both sexes and of all ages, are kept working day and night. And there is no one to interfere ; no one to protect these poor little ones from the cruelty of their own parents !

regards any kind of manual labour, before he or she has attained the age of fourteen (or thirteen).

Fourthly—To divide the years of each child under fourteen into two periods :—

(a.) The one to be called the “school age,” and to extend from the fourth year to the end of the ninth or tenth year. *

(b.) The second to be called the “half time,” and to begin with the ninth or tenth year, and to extend to the thirteenth or fourteenth year.

Fifthly—To make the school hours as convenient as possible :—

First—To the parents, during the child’s “school age.”

Secondly—To the employers, during the child’s “half time.”

Now (1.), as regards the “school age,” it is not an uncommon (it may be a general) practice in Germany to have during the five or six summer months a very early school, from half-past six, a.m., to nine or half-past nine, for the older classes of children, both of girls and boys ; and this in order to allow for the children to assist their parents, or to go to work for three-quarters of each day. This system entails no doubt more work on the schoolmaster, but it answers well as regards the school attendance of the children, as I can bear witness to, from observations made even during this summer in the south of Germany. The mother could as easily “start” her older children to school at six as “start” her husband and grown up sons to their work at five. There would be no hardship in this.

(2.) Secondly, as regards the “half time” age, there is no doubt that the “half time,” as carried on now, does occasionally (perhaps in some cases constantly) interfere with the work of the several employers.* I do not see, therefore, why if “half time” is reckoned at school as two hours, or two hours and a half, these hours should not be reckoned from after their dinner hour, and then, if necessary, the children might still work two hours after their school lessons. Thus, if the dinner hour is twelve, the school hours would be from one to three, or half-past three, leaving from three or half-past three to six for work.

Any way, if “half time” is to become the law of the land (as I hope it will), whenever children under thirteen or fourteen are employed, due consideration should be had to the convenience of the

* It is a well-known fact, at least in South Staffordshire, that since 1867 no children under thirteen are employed in iron or coal mines. Whenever night work has to be performed the “half time” system is of no use. You cannot employ the children all night, and send them to school for half the day ; nor, as a rule, do the iron and coal masters want, or wish for, children under thirteen. The Act forbidding the employment of children under thirteen, as full timers, has been a boon to the large employers. It was only owing to the importunity of the parents, that they felt themselves obliged to give employment and wages to young children.

several employers. We come now to the most difficult part of the question, namely, how are the provisions of such a general Act to be enforced?

Certain regulations, somewhat like the following, will be needed, both during the period which has been termed the "school age," and during the second or "half-time" period.

I. During the school age (from four or five to nine or ten) :—

- (1.) Every child shall be considered to be fit to attend school from its fourth year upwards.
- (2.) No child shall be allowed to be permanently employed during the "school age."
- (3.) It should be made obligatory on parents to send their children to school, at least 100 days every year, between the fifth and ninth (or tenth) year.
- (4.) No child shall be considered capable of passing from the "school age" period to the "half time" period without a certificate ;—
 - (a.) As to age, that it has reached the proper and legal age for work.
 - *(b.) And, as to proficiency, that it has passed a satisfactory examination in scripture, reading, writing, and arithmetic—say under Standard II. (or III.?) as minimum.

This latter certificate will have to be signed by the schoolmaster and managers, and countersigned by Her Majesty's Inspector of Schools.

II. During the "half-time" period (from nine or ten to fourteen) :—

- (1.) No employer shall be allowed to engage any child for work without having received the two certificates above-mentioned, as to age and proficiency (or attendance) at school.
- (2.) Every child shall attend school from ten to fifteen hours every week, at least.
- (3.) A yearly certificate shall be given to each child, during this "half-time" period, by the schoolmaster, countersigned by the managers of the school, to show that it has attended the required number of hours every week.

This certificate is to be shown to the employer, say at Easter of

* This second (b.) provision, it may be, for the present, impossible to carry out. If education is to do any real good it must eventually come to this. But at first, perhaps, all that can be done is to make this second certificate one to show that the child has, previous to its ninth or tenth year, attended some school for at least two consecutive years. In this case the signature of master and managers would be sufficient.

every year ; it being made obligatory on the employer to ask for such certificate, and on each child employed, or its parents, to exhibit it.

- (4.) At the conclusion of the "half-time" period (*i.e.* with the thirteenth or fourteenth year), each child shall pass an examination in scripture, reading, writing, and arithmetic, to the satisfaction of Her Majesty's Inspector, under Standards III., IV. (or V.) as a minimum, and a certificate shall be given to each child by Her Majesty's Inspector of Schools (countersigned by the managers) to show that it has so passed.
- (5.) No child shall be allowed to pass from half-time to full work without such a certificate, and every employer employing a child of thirteen or fourteen without such a certificate shall be held punishable.
- (6.) Every child shall remain under the half-time system, beyond its thirteenth or fourteenth year, until such time as it has been enabled to pass the required examination, to the satisfaction of Her Majesty's Inspector of Schools.

With regard to this indirect mode of enforcing a certain amount of education on the children of all working classes, without distinction, I was much struck by a remark made by the Rev. M. Pattison in his Report on German schools (p. 195), to the effect that the system adopted in Saxony, in order to compel the children to attend regularly at school, works much better than the system hitherto pursued in Prussia. In Prussia there is a system of fines * on the parents, in case they neglect to send their children to school ; these fines, if not paid, end in imprisonment. Still, notwithstanding these fines and imprisonments, the law is evaded, either through the poverty or the degraded position of the parents, or through the antagonism, which must exist between the law and the demand for labour, as all kinds of manufactures increase in number, and with this increase competition is multiplied. In Saxony the system adopted is simply this, viz :—

* The following are the proceedings, according to the law of Prussia, against parents for neglect of sending their children to school.

(1.) "*Erste Mahnung*."—The parents to be seriously admonished by the managers, that is, the minister, &c., within the first week of such default.

(2.) "*Protocollarische Verwarnung*."—If this monition has been without effect, the burgomaster is to send, within the course of the following week, a legal monition in writing.

(3.) "*Anzeige an den Polizei Anwalt*."—At the close of each month of non-attendance the burgomaster must give notice to the public prosecutor, connected with the police, of such continued default, and he must bring the case before the magistrates ("*Polizei-Gericht*").

(4.) The magistrates may, at their discretion, punish the offending parent by a fine, from one silber-groschen (rather more than a penny), to one thaler (three shillings), or by imprisonment (up to twenty-four and even forty-eight hours).

"The period of school attendance is reckoned at eight years. Every day that the child misses, without a valid excuse, is marked against it in a book. These missed days are not counted to the eight calendar years, which must be made good. The child cannot be confirmed and dismissed from school till it has made them good. This regulation is found to work better than the system of fines, as the parents are sufficiently desirous of appropriating the child's labour at the earliest possible period, while there is always reluctance to enforce the fine against poor and deserving parents."

On the other hand the fact that fines have to be enforced for the non-attendance of children at school, or, failing the fines, the imprisonment of the father has to be resorted to, refutes the statement which is sometimes made, that the compulsory law is not wanted in Germany, and that the law has nothing to do with regularity of attendance in a German school.

Let there be thus certain principles clearly enunciated—certain rules laid down by law, applying to all parents and children indiscriminately—certain provisions made for enforcing these rules—let officials be appointed, whose duty it shall be to remind parents of the obligation of observing them, making, now and then, an example of those who grossly violate them—give the greatest possible amount of publicity to each and all these principles, rules, and regulations—and in time a great change will be brought about in the general improvement of all the working classes, and in the feeling towards education and its advantages on the part of parents, a change far more wonderful and far more general than that which has taken place with regard to education during the last twenty or twenty-two years: though no one can for a moment shut his eyes to the greatness of this change—far greater than could ever have been anticipated, thanks to the efforts of the Committee of Council on Education, and men like Sir James Kay Shuttleworth and Mr. Lingon on the one hand; and of societies like the National Society and the British and Foreign School Society on the other hand.

We now come, lastly, to another very important question, supposing education is to be enforced, at the full number of days, up to the ninth (or tenth) year, and at half time from the ninth (or tenth) year to the thirteenth, or fourteenth, viz.—

Are the existing schools sufficient for the population of the whole country?

I believe the question can be answered unhesitatingly in the negative—for (1.) in the first place, I believe there is not sufficient room in the existing number of schools? (2.) and, secondly, if the existing school-rooms contained a sufficient number of seats, the instruction given in many of these schools is not such as will satisfy a lover of education, or answer the requirements of real education. Let me try to prove these assertions.

(1.) First, then, "there is not sufficient room in the existing schools." Mr. Melly, M.P. for Preston, in his excellent speech on Education in the House of Commons (made on Monday, July 19,

last), stated that the existing system "flooded some districts with schools which presented an array of empty benches. This was the case in Worcestershire and Staffordshire, and in almost every part of the country, where there were large industrial populations. There were no fewer than 700,000 vacant seats in the National, and British, and Foreign Schools, in this country, every single week-day, that is to say, there was room for 2,000,000, of children, while the average attendance only reached 1,200,000."

Now this, no doubt, is the fact under the existing system, but if school attendance, both during the "school age," and the "half time" periods were to be enforced, these empty seats would be more than filled. And, moreover, I am led to believe that in many towns and country districts, there are more schools needed than there are at present.

(2.) But, secondly, even if there were found to be sufficient room for all the children who ought to attend school in the existing school buildings, the education provided in many of the existing schools is owing chiefly to the incompetency of the teachers, or the want of interest on the part of the managers far below the standard required. Very few schools under non-certificated teachers deserve the name of schools; these, whether under the name of "Parochial" or "Dame" schools, are, in most cases, mere make-shifts, requiring amendment, and that speedily, if we are to raise the children of the labouring classes, as well as their parents, in the scale of humanity. Of these schools there are a large number in this country. Of Church schools, for example, only three-fifths have certificated teachers, and are consequently under Government inspection; two-fifths are not under Government inspection at all. What, then, are the chief requirements under this head?

I. First, to improve our existing schools, and make them more efficient.

II. Second, to provide schools where there are none.

I. First, then, we must improve our existing schools; these may be divided into two classes; those under certificated teachers, and those not under certificated teachers.

(1.) Those schools which are under certificated teachers, more especially those in poorer town districts, and in some rural districts (where wages are high), need a great deal more help, so as to provide more efficient assistant teachers, than they can afford to provide under the present Government system. Help in all these cases should be afforded to such an amount, as to enable managers to pay all their pupil teachers, even in rural districts, according to the original sliding scale, as laid down by the old Code of Minutes—beginning with 10*l.* per annum, and ending with 20*l.*

(2.) Those under non-certificated teachers should be brought

under Government inspection, by Act of Parliament, without exception and without option; and thus a uniform system of examination and inspection be provided for the whole country, the greatest possible facility being given to non-certificated teachers, who do their work well, to become certificated teachers. Some of the non-certificated teachers will eventually have to be removed altogether; but this should be done as gradually as possible; and not till after repeated failures on the part of the children at school to satisfy the just demands of Her Majesty's Inspector of Schools.* In all these existing schools, whether under certificated or non-certificated teachers, the conscience clause must be strictly adhered to—that is, perfect liberty must be allowed to each parent to withdraw his child from the religious instruction as given in that school.

II. The State must provide school buildings where there are none.

- (1.) First by giving, once more, an increased stimulus to the voluntary system, or the denominational system to build and establish new schools; by promising large building grants, even to the extent of one-half or two-thirds of the whole cost. This would no doubt be far the best plan, if it were to succeed; and it may in time succeed.
- (2.) Or, should this fail, build and establish State schools in England, Scotland and Wales, with public money, and that on Protestant principles—that is, requiring that instruction be given in the general knowledge of the Holy Scriptures, in addition to those other subjects, commonly called secular, and usually taught in all good schools. These schools might be placed under the authorities of the British and Foreign School Society, and thus at once be brought into connection with one of the two old and established societies for the promotion of education in this country.

In the above remarks nothing has as yet been said with regard to the support of all these schools. Mr. Melly, M.P., in the speech

* The Government grants to these schools, under non-certificated teachers, should not be on the same scale as those to schools under certificated teachers. It would not be right to the latter; it would be a wrong done to normal schools, and to the praiseworthy efforts made by means of these normal schools to raise the teacher's capabilities for imparting the best kind of instruction in the best possible way. But as the principle of paying for results has once been affirmed by Parliament, it is a wrong done to schools under non-certificated teachers, and mostly owing their very existence to the liberality of individuals, not to assist them at all by a Government grant. Let the Government grant to these, then, be at one-half of the rate granted to schools under certificated teachers, gradually increasing it to two-thirds of that rate.

already alluded to, made the following allusion to this point, referring to the case as it stood at present. He said :—

“ The right honourable gentleman (Mr. W. E. Forster) had shown that one-third of the expenditure on education was found by the Government, one-third by the parents of the children, and one-third by voluntary effort. This (latter) 470,000*l.* was subscribed by between 194,000 and 195,000 people, who gave on the average 50*s.* a head, and educated ten children a piece in our national schools. Who were these people ? Not, we were told, the landed gentry and farmers ; not, as a rule, the rich and opulent traders or manufacturers ; but the clergy of the Established Church, and the ministers of all denominations, who had taken upon themselves, in their Christian charity, the education of the poor children of this country.”

These are Mr. Melly's remarks ; I am not in a position to say whether they are true in so sweeping a way as that in which he has made them. But, though I know of instances where landlords have taken upon themselves the entire burden of keeping up all or most of the schools on their estates, and though I know of instances where even the abused farmer class has come forward liberally to assist their clergyman in the support of the parish school ; on the whole I fear that landed proprietors and their tenants, as a rule, do not contribute to the utmost of their ability towards the support of good and efficient schools. They have no faith in education.

Now, under a new, improved, and general system of education, we cannot allow schools to languish for want of support on the part of landlords, or manufacturers, or tenants. Nor should we excuse the parents from the duty, incumbent upon them, of contributing their fair proportion towards the education of their children.

If we, therefore, adopt Mr. Forster's statement with regard to the existing system of supporting schools under Government inspection as the rule for the whole country, the case would stand thus, viz.—The expenses of keeping up a school will fall partly on the public funds (as administered by the Government), and partly on the inhabitants of each district in the following proportions :—

- (1.) One-third* would be contributed by the Government, according to fixed rules, after examination.
- (2.) One-third should be contributed in weekly (or quarterly) payments, in advance, by the parents of the children, in accordance with their means.
- (3.) One-third should be contributed by the landlords, manufacturers, or other proprietors in the district, in proportion to the stake they have in the district.

* In cases of schools, under non-certificated teachers, the Government grant would be at the rate of about one-sixth of the whole expense of supporting the school. Therefore, until the teachers rose to the rank of certificated teachers, the extra sixth would have to be made up by increased subscriptions, or by an additional rate, or by making the salary of the teacher by so much smaller, than that of certificated teacher, in the school of the same size.

Now (1), as regards the sum contributed by the Government, it will vary in proportion to the efficiency of the school; and therefore the teachers' salaries should be increased, or decreased, in accordance with this efficiency.

(2.) As regards the sum to be contributed by the parents:—

- (a.) Where the parents belong to the class of highly paid mechanics, their weekly or quarterly payments would almost, if not wholly, make the school self-supporting, with the addition of the Government grant.
- (b.) Where the parents belong to the agricultural or mining districts, they cannot possibly afford to contribute more than one-third of the whole school expenses. For 2*d.* for each child (generally 2*d.* for first and second child in each family, and 1*d.* for all other children in the same family,) is the highest rate which can be insisted on in rural or town districts in the case of common labourers.
- (c.) But there are districts, poorer parts, especially in large towns, and no doubt in many villages, in which the poverty of the parents prevents their children coming to school. In Birmingham, for example, an "Education Society" has been formed whose object it is to pay the fees for the children of all parents, who have been proved to be really unable to pay them. To do this an annual sum of 2050*l.* is needed (as shown by their last Report): but only 745*l.* have as yet been collected as yearly subscriptions. The object therefore contemplated by the praiseworthy intentions of this Society has not been accomplished. But the fact, and a very important fact, remains, that there are many instances where parents, or the widowed mother, cannot possibly afford to pay for the schooling of their children. If therefore attendance at school is to be enforced, some provision must be made, say out of the poor rates or else out of an "educational" rate, or out of both, for the free education of this class of children.

(3). Lastly, as regards the sum to be contributed by landlords, proprietors, manufacturers, and their several tenants, the simplest, and at the same time the fairest, mode of raising the money needed, would be to levy an educational rate, not according to the poor rate assessment, but according to the income and property tax assessment of the district. Thus, if a landed proprietor had an income of 1000*l.* per annum from land, and a penny rate was needed, he would have to pay his penny educational rate on the 1000*l.* per annum (under Schedule A), and his tenant or tenants would pay their penny educational rate on the supposed profit made on their

rents (under Schedule B), which is calculated at one-half the rent, that is, in the above case 500*l.* per annum. Moreover, incomes from every kind of property in the district would thus come under assessment, for example, money lent on mortgage, or houses, or land, which under the poor rate system is let off entirely. Still it would be necessary to extend this educational rate to the Poor Rate assessment in the case of those persons who, whether tenants or householders, are not likely to pay it under the Property and Income Tax assessment, because their incomes are under 100*l.* per annum.

I have endeavoured, in the foregoing remarks, to touch upon the most prominent points suggested by a subject the importance of which it is not possible to exaggerate. Education, that is, the moral and religious improvement of all, more especially of the working classes, of all ages, has been the great object of the best twenty years of my life, and the practical result, as regards the working classes more especially, is this, that we must have some kind of compulsory education, that the State must insist upon every child being in some way instructed and educated. And to do this, or to attempt to do this, it must enforce, to begin with, directly or indirectly, or both, the attendance of children at school, first, as full time scholars, then as half time scholars. But it cannot stop at this point; it must eventually insist upon a certain amount of proficiency being attained by each child, as the results of such education. And as the State now pays school managers according to the results obtained by the examination of each individual child, so should the close of the school career of each child be marked by a certificate of a minimum amount of proficiency, without which it should not be allowed to start upon its independent career of labour in life. It is the duty of the State to protect parents against the evils attending excessive competition, or the avarice of employers of any kind, and to protect children against the neglect or avarice of their own parents. And as the nation has, by large majorities, affirmed and granted the right of full citizenship to every householder in the kingdom, let the State now act up to the new duties imposed upon it by the nation's will, and endeavour truly to educate each child for the duties and responsibilities which some future day will fall upon him; and by a proper education fit him and make him worthy to be the honoured head of a family, the thoughtful citizen of a great and free country, and above all, the blessed inheritor of a better, that is, a heavenly, home.

A paper on the question by Dr. HENRY MACCORMAC (Belfast) was also read, in which the writer urged that the community must tax itself in order to supply adequate means of instruction; that it must supply competent instructors and enforce a proper method. Unless adequate funds could be supplied there could be no education for the poor and destitute, and it would not do to leave the matter to casual charity. Teachers should be amply remunerated. He believed that the synthetical method in communicating knowledge of

whatever kind was the only proper and available method either for rich or for poor.

DISCUSSION.*

The Rev. J. W. CALDICOTT: There are but two ways in which you can reach the destitute children, either by the voluntary or the compulsory principle, and the choice between them is easy. You have had for many years the voluntary system in full work. The National Society boasts, according to the Duke of Newcastle's Commission Report in the year 1858, eleven years ago, that it has no less than two millions and a half of children in its schools. That seems at first sight a most glorious result, but when we turn to statistics of the government inspectors, and ask how many of those two and a half millions are really benefited by the education, we find that in the year 1867 all the schools under the inspection of the Government could boast of just 23,000, proficient only in the most elementary portions of reading, writing, and arithmetic. Then we are told we must not disturb the voluntary bodies, because they have possession of the field. All gratitude to the voluntary bodies for what they have done, and may they do much more hereafter; but I respectfully submit that we are bound to inquire what they have not done? They have turned out 23,000 children who can read, write, and cipher imperfectly; they have failed to teach the rest of the child population, and I say the time has passed when we can talk of the voluntary effort. The time has come when we have a right to insist that children shall be taught, and taught efficiently. Now whenever you have resolved to adopt the compulsory system, two things necessarily follow, the principle of a free school and the principle of an undenominational school. If you are to compel parents against their will, as you often must, and against their pockets too, to send their children to receive instruction, you must provide that at all events the schools to which the children are sent shall not require payment from the parents, and that nothing shall be taught to which any of the parents can by any possibility conscientiously object. I listened with very great interest to the elaborate paper read by Mr. Clay, but I noticed that while he complained, at the beginning of his paper, that we proposed to improve the existing schools out of the world, he concluded the description of his own plan by proposing practically to improve the religious systems out of his schools. He proposed to cut down the religious teaching to the simple minimum of something to be taught as to the Bible. Whether that is a system of denominational teaching which will satisfy the upholders of the denominational system, or the religious system, I doubt, but that it is impossible to work any system of religious teaching in schools which are to be compulsory upon the people of this country, I do not doubt. So long as people can lodge a conscientious objection against doing what which it is their duty to do, and their pocket-interest not to do, so long a conscientious objection will be found. Now, many different opinions are expressed as to the means of compulsion. Some are in favour of an indirect means, by the extension of the Factory Acts, but are not in favour of allowing the police to take the children of the poor to the nearest school, nor are they in favour of "the barbarous principle" of hauling the parents to prison. So long as you are prepared for the Factory Act in any form, so long you are in favour of compulsory education. I don't care whether that compulsion takes the form of arresting children or parents, on the one hand, or forbidding the employer to make use of the child's labour on the other. Both are compulsion, and I don't understand how a person in favour of extending the Factory Act can say he is not in favour of compulsory education. I believe the system of denominational education will continue to flourish. Compulsory education, remember, is only to be applied, according to the proposal of the League, in those cases where voluntary education has failed. Statistics show us that there are so many hundreds of thousands of children in this country whom voluntarism and whom denominationalism do not touch. Are they to perish in order that sentimental voluntarism and deficient denominationalism shall yet be for

* For other papers on this subject see *Transactions*, 1864, p. 436 1865, p. 313; 1866, pp. 348, 408.

some time maintained? With all respect to voluntarism and denominationalism, do let us try whether we cannot, when voluntarism fails and when denominationalism fails, do something for those who are perishing while we are talking.

MR. JESSE COLLINGS : Mr. Clay wants formularies and catechisms to disappear. Mr. de Bunsen mentioned Germany, where denominationalism flourishes, but I believe in Germany about 95 per cent. or 98 are of one way of thinking. They are Lutherans there, but here we have to deal with twenty-five or thirty-five different sects, some of them of a very peculiar character. As far as I could glean in the course of a trip I took through Germany, with reference to this question, the one point of dissatisfaction connected with their schools was their denominational character. Mr. Clay wants to support the present denominational schools if they are found to be deficient, but that proposal really opens up a very wide question, for we all admit the State shall not say what denomination is to be favoured with rights, and what not; we must therefore have State aid given to twenty-seven different schools, representing the different denominations, and denominational zeal is so energetic now, that none of the sects would allow themselves to be outbid, and we should have schools founded, not in accordance with the educational requirements of a district, but too often from the state of religious feeling. I don't think we need join with Canon Norris in his fear lest the country should take a leap in the dark. The country has taken one such leap and found itself on its feet, and none the worse for the exertion. The scheme of the Birmingham League is not open to the objection that it would pauperise the people. It is not an eleemosynary system : everybody pays the rates, and the schools would be no more pauper institutions than free libraries, which are paid for by all and are open to all, without any idea of pauperism being connected with them. Mr. Clay asks for time, and promises a different state of things a few years hence. If we could arrest time that would be all very well; if we could say to the child in the gutter, "Remain a mere child until we can find means of educating you," that would be well, but the child will grow up, and if in a few years he should find himself in prison, he may reasonably turn round on the advocates of the waiting system, and say they are to blame for his deplorable position in having withheld from him the benefits of education. This question of creeds may be safely left to the ministers and the clergy. There never was a time when the ministers of all denominations were so able and energetic as now. We need not be afraid of religious teaching which depends upon the personal piety of the teacher, that kindling of mind by mind through which religion is best taught. You may as well tell a good teacher not to breathe as not to teach religion. Catechisms he can and ought to avoid, but he can teach the love of God, and the obedience that such law involves. The obedience in such a case would be an intelligent obedience, and would come as naturally as love of a child for its mother, or man for friend. If I may venture on the prediction, I would say that if men of particular creeds do not accept a system which is absolutely free from all theological teaching, then they will find themselves before long in opposition to the nation, and they will have to follow with diminished influence where they might have led.

MR. WILLIAM SIMMONS : I contend that it is impossible adequately to provide for the education of the destitute, unless the system be general and applicable to the whole body of the people. Unless you have a general system the children of the middle class and of the better sort of workpeople will be left out, nor will your clever boys of the lowest order have a chance of rising beyond the mere rudimentary instruction given in the lowest school. We want a general system, under which all can receive education, on the same terms under which all the schools shall be under supervision and all supported from the same fund. I will never submit to the principle of compulsion being applied to one class of citizens, unless it be applied to all. I will not as a citizen submit to the middle class of society being brought out underrated and unexamined, while the working man's child is forced to go to school. I want a thoroughly comprehensive scheme, which shall deal with every class, and as the Birmingham scheme will not do that it is not adequate to the occasion. I am the Chairman of a Borough Education Society established two years ago at Merthyr-Tydvil. Our programme goes far beyond anything you have heard here to-day, and we have in communion with us ministers of all denominations, middle class men of every character, and working people as well.

We require an imperial system, for the whole kingdom, to be free, to be secular, to be supported by rates, supplemented by a charge upon the Consolidated Fund, to be under local government, to have certificated teachers, to be subject to government inspection, to have provisions for secondary schools and advanced schools, and for the establishment of an imperial university. The lowest stratum can be dealt with as in Australia, under a system which was introduced four years ago, and has worked thoroughly well. There is not a child in the South Eastern districts of Australia, that does not at this moment attend at school. If that can be done in thinly peopled Australia, why cannot it be done in rich England. It is not done here only because we are hampered by certain conditions, which ought not to exist. Now, in the first place it is necessary we should have schools fitted for children of all faiths; and what are we to do with Roman Catholics who object to the reading of the Bible except under the supervision of their priesthood? How are you to meet the demand of the Irish Roman Catholics at this moment? We have no answer, and I say it has become the duty of this Protestant country to eliminate from the schools those things which are objectionable to Roman Catholics and Jews. We all agree that the elements of education can be given without regard to religion, why, then, cannot we agree together to give that elementary instruction, under State control, and for all purposes of religion remit the children to the 50,000 ministers of religion in the country, to the kindness of many, to the religious feeling of the great body of the country. Invert the actual state of things and ask yourselves whether you would like to send your children to a Roman Catholic School with a conscience clause? The conscience clause is a farce. We must have schools entirely free from religious doctrine of every kind, and we must have a system applicable to every class of the community.

Rev. WILLIAM ARTHUR: We have cause to congratulate ourselves upon the very perfect unanimity which prevails among us upon certain points. We have not, that I am aware, differed in any way upon the two cardinal principles: First, that the time has passed when it can be considered as tolerable that any British child should grow up without education; and, secondly, that it cannot be considered as any longer tolerable that a British parent should purchase the education of his child at the expense of his conscience. In common with the last speaker, I have a strong feeling against a conscience clause. I feel that my conscience ought never to be relegated to any clause. Nothing can be more vicious in principle than to invite a man to palter with the religious feelings of his child by seeking his secular instruction at the expense of his most sacred convictions. These general principles being, as it appears to me, very much agreed upon, the great question seems to be—How are we to urge the outlying mass of the population to carry out the principle of giving to all an education? A good deal has been said about the voluntary and compulsory principle, and certainly some confusion has arisen between the voluntary effort to promote schools and voluntary attendance at schools. You may compel people to attend school, you may compel people to pay for schools, but you will never compel people to love schools, and you will never compel people by that love to labour for schools. Other gentlemen talk of supplanting voluntary by compulsory schools. Let them remember they cannot supplant that principle which the love of God in the heart of a man creates, the principle of love to the body, and intellect, and feelings, and well-being for time and eternity of his fellow-man. No power can supplant that, and when gentlemen, whose services in the cause of education up to the present time have consisted of nothing but good wishes and good advice, speak, with a taste which they may admire, of sweeping away all those who for years have been acquiring a title which Englishmen always respect, because it has been gained by labour and outlay, they should first show their own tens of thousands gathered in and taught by their own labours before they reproach those who have shown theirs. With that preface, I am prepared to admit that I see nothing for it but to adopt the principle of compulsory attendance. We already compel the school attendance of that child who is receiving an industrial education in a factory, although he is by working in the factory learning to become a good citizen, while we permit the idle child to be also ignorant of school lore, although he is in circles which will most probably lead him to be a bad citizen. I confess I don't see how to work it, but I have no doubt that if the principle be determined on, English in-

genuity will find a way of applying it. I trust, however, some means will be adopted of appealing to a stronger and better principle than that of compulsion, namely, that of attraction. I should like the school to become an attraction to every parent and every child, and in that case it must be free. Let it be provided for from the two sources—first the State, as a whole, and secondly the locality, by local rates. Lay on to your income tax a second penny in the pound, a school penny, and levy your local rates. This will make the schools free, but not charity schools; they will form part of our children's birthright. But while we do this we must not say to the denominational schools, "You must get out of the way." They have earned the place they occupy, and should have an opportunity of doing good in the future in their own way. Establish your new schools upon a wide national principle, but in the name of the nation I say, let God's Holy Word be read in them. Let us not say we must put dogma out of the question. You cannot. Our actions depend upon our doctrine; we live by what we believe in, whether we will or not. Now upon another point. I wish to see every school so constituted that the far-seeing father can say, "If my boy, now on the lowest form, has it in him he may go to the woollack." It is a strange thing that a system of primary education may be so constructed as to cut off the boys of the lowest class from access to the professional and other classes. That has been the case in Ireland. With all the wonderful advantages of that system, that power of access is cut off. By some contrivances there must be either a latin class to be got at, or a presentation to be obtained, or some means must be at command by which a child of the lowest class with intellect may rise to the highest position. Without this no system can be complete. Then you must give to your humblest schoolmaster an opportunity of achieving the highest position in his profession. You must have this in a really national system. Don't deal harshly with vested interests—the interests of denominational schools. I repeat this because a gentleman has said—and truly—that the rights of the children must be considered above all other rights, and because I would ask that gentleman whether you can best advance the education of the children of England by hurting the feelings of every man who has hitherto done much for education, while the nation at large has been asleep upon the question.

DR. PANKHURST: I propose to address myself to a single point in this discussion, the limitations required by justice of the principle of compulsion in education. The presence in England of a million and a quarter of young people who, in spite of the statesmanship, philanthropy, and christianity of the land, grow up uneducated, become a misery to themselves and a danger and cost to the community, renders it perfectly clear, and has made it to be admitted upon all hands that education is a thing of universal interest. The great principle of national education rests upon that. Now, if education is of universal interest, two consequences follow; first, it must be of universal provision; secondly, of universal diffusion. It is at the point of diffusion that the question of compulsion comes in; and there is one great principle set forth in English history which in my opinion completely answers all arguments addressed to the question of compulsion. About the time of Queen Elizabeth, we had to do for a great branch of human necessity, what we are now going to do with the questions of education. We had to transfer the work of giving food and clothing to our destitute poor, from the office of charity, to the office of law. On what principle was that done? Simply this, you cannot have law working efficiently in the community, unless it rests upon a moral basis. If it had not been that the poor were fed and clothed by the good will and charity of mankind up to that time it would have been a perfectly idle thing to pass a law to compel men to do it, because it would be, as it were, manufacturing a conviction about the matter; but, when charity and benevolence had reached a certain point then it was possible to compel that to be done over the whole kingdom, which was being constantly done by a very large portion of it. What was the result? Did charitable work die out of the land? Did men cease to do good things for the destitute poor? No, they allowed the law to give the absolute necessities of food and clothing for the whole kingdom and then charity and good will, being relieved from that irksome task, were able to engage in higher work which the law could not reach. Is it not so, precisely, now with the question of education. Food and clothing provided by the law, for the life physical, is previously what intellectual

training provided by the law, is to the life intellectual. The things are perfectly analogous. What is the consequence? Does anybody suppose that if this million and a quarter of children are provided by the law with means for intellectual training that those who love their fellow-men will forbear to do something for the good of their intellectual life? On the contrary, their philanthropic energies being released from the irksome task of doing that freely, which the law can compel everyman to do, they will immediately do a work in education which no law can, and no law ought, to compel a community to do. When I hear persons talk about the injury to our rights if we compel the young to be educated, I answer whoever compels men who have entered upon the duties and responsibilities and rights of life to become educated is attempting to do an unjust and tyrannical thing; but remember that we propose to deal with and for those who are in a state of pupillage and tutelage, and these stand in a totally different position, and when we propose to deal with persons who are in law and in fact infants, the objection on the ground of injustice and tyranny disappears. Still less does it apply when we remember that those who are to receive this compulsory education are themselves incompetent to understand the value of that which is administered to them until it is too late to repair any omission. Now, what will be the consequence if the law assists us? Whenever you put the law of the land on the side of morality, every day that the law acts it is creating opinion in the community, until the time comes when men do out of glad, irrepressible good will what their forefathers did under compulsion, and it is perfectly clear that any child who is sent to school to day by the compulsion of the law, will bring up children who will go with absolute readiness to the school in their day, under the influence which law has been able to enforce upon the parents. The law will see us up to the point when it will be unnecessary: it will remain powerful until it has manufactured a conscientious conviction in the community of the absolute necessity for education. And then what shall we say? Not that the voluntary agencies of to day have been injured by the new system, but that if it had not been for the voluntary agencies we could not have had a law, and we cannot hope for a time when law shall become unnecessary, unless we first have the law.

MISS CARPENTER: I have been glad to perceive that the papers which followed mine acknowledge the immense importance of extending the Factory Act generally over the country, and making it compulsory that no child should be allowed to work anywhere, under a certain age; and that employers shall not employ children who had not a certain amount of education. I strongly believe that until we have the Factory Acts thoroughly carried out, and the Industrial Schools' Act also, we cannot tell how much compulsion is needed. The amount necessary will certainly be very small, because by the Industrial Schools' Act a compulsion is put upon the parent as well as the child, the parent being compelled to pay for the child's maintenance or go to prison for refusing. We find very few instances in which anyone has ever been so punished. I agree that a national system should be undenominational. No member of the Birmingham League can possibly exceed me in my strength of conviction on that point, and I quite believe with Mr Collings that sects desirous of having schools of their own for the sake of their peculiar tenets will be quite ready to bear the expense of such schools. I also agree that the attendance should be free of charge. We must not think too cost of this an injustice to anyone. We must give up our rights in a few little matters, and those who do not wish to give them up are not compelled to come under the system. But I notice that the grand general principle of voluntary management of the schools or participation in the schools is absolutely excluded by the Birmingham programme, for it distinctly says that all schools founded under the law shall be under the management of the local board. Now, that does not provide at all for aided schools, and I don't believe the League intends to exclude good aided schools that are undenominational. What will the Birmingham League have the local authorities do when their district is provided with sufficient school accommodation in the shape of denominational schools? Will these schools be ignored, or will the local board step in and assume the management? I am afraid the system contemplated by the League will crush out that moral and sympathetic voluntary effort which is the very soul of good schools. And is the Birmingham League prepared to stamp out the voluntary effort of the country, or to use it still by granting rates to the aided

schools just as to others, and by letting the managers go on with their schools, provided they are up to the principles of the League? If the League will say that, and amend their programme to that effect, none will be more pleased to join them than myself.

Rev. BROOKE LAMBERT: No one has yet told us how the compulsion is to be applied; except that some have suggested an extension of the Factory Acts, and others have talked of sending the parents to prison. Now, you may make laws as strong as you like, but unless the spirit of the country goes with them, you will never be able to carry them out. And I say the state of the country will not allow of people being sent to prison for not sending their children to school. Look at the numbers of children in our cities who would be brought inside the working of our Industrial Schools' Act, but who are simply not committed because the spirit of the country is against the Act. Still I believe there is an indirect system of compulsion by which the end in view can be attained. Being very anxious to promote national education, I joined the Birmingham League, but I made a protest against free schools, because I believe I have a plan which will give practically free schools, and also the compulsion I desire. Under the Birmingham plan, the parents, by paying for the school through the rates, will not feel that they are paying at all, because they cannot see the process. And it is a fact, that the burden of the rates does not fall on the very poor, but on the class above them. Now, if we introduce a poll tax, the charge would fall on the whole nation, and those who paid would be compelled by motives of self-interest to send their children to school. The education of the country costs 2,000,000*l.* The population is 21,760,000, and a rate of 2*s.* per head, or 6*d.* per quarter, or halfpenny per week would provide the necessary sum. Some think it impossible to levy a poll tax; but nothing is easier in the case of those families whose children go to the school. In the case of those who have no children of the age to go to school, the tax-gatherer would of course have to go round.

Rev. HENRY SANDFORD: The three great causes which have prevented the education of the people, are the apathy of the parents, the want of means to pay the pence, and their eagerness to utilise the children's labour. The poverty cause has been greatly exaggerated, because many well to do workpeople do not send their children to school. It would be a very good thing if the ragged class belonging to those parents who really cannot pay for their education, were turned into the industrial schools and taught thoroughly. Until compulsion in this department is resorted to very little good will result. Much could be done in connection with ignorance among the better class by inserting that no child under sixteen, who cannot read and write should work without also attending a certain number of hours at school; but with those well to do workpeople whose apathy is the only bar to the education of their children nothing but compulsion remains for us. The working people of Berlin, where there are many manufactories, I have always found in favour of compulsion, and the punishment for neglect there, is a fine.

Mr. COLLINGS stated that the National Education League left the Bible to be read or not as the school managers felt inclined. The League thought it quite as dogmatic to say you shall or shall not read the Bible, as to say you shall or shall not read any other book.

ENDOWED SCHOOLS.*

In what way can the Endowed Schools Bill be worked so as to bring Educational Endowments within the reach of all?

By Rev. ANDREW JOHNSON, *Head Master of St. Olave's Grammar School, Southwark.*

HOW may the Endowed Schools' Bill be worked so as to extend the benefits of the Endowments to all classes of the community? These words, or something like them, are set forth by authority

as comprising a subject worthy the attention of this Congress. Of the various plans proposed for reorganising our schools, with the object above-mentioned, we must place foremost the recommendations of the late Royal Commission of Inquiry. The Commissioners suggested a symmetrical arrangement of the various schools throughout the kingdom into groups, each one of which should meet the wants of a particular class of society. The third grade would provide for boys who are compelled to leave school at the age of fourteen. The second grade would meet the requirements of those who can afford to remain until sixteen, and the first would be for those holding a still higher status in society. Of course, in each group the curriculum and the fees would be different. For the future, free education as at present indiscriminately granted, would be almost entirely abolished, all would have to pay fees, except those who earned the exemption by merit. But what touches the present enquiry is, the recommendation that in each grade special provision should be made for the free education of deserving individuals, and for their promotion from grade to grade. The supposition is, that the exaction of a payment would prevent the access, as at present, of individuals unlikely to benefit by a high-class training, while the few poor who would really gain by it, would be specially provided for. It is supposed that the principal object of the founders would be thus fulfilled, which was "to promote education generally, and to give openings for poor boys of exceptional ability."

The principal objection to this recommendation is, that it does not go far enough. In the first place, the offer of a free education is insufficient of itself to induce a poor boy to remain at school long enough to benefit by advanced teaching. The tremendous pressure of domestic circumstances, and, in our towns especially, the increasing demand for boys who can just read and write and cipher for commercial purposes, offer an inducement to leave school which no persuasion can overcome. A few very rare instances in England there are (there are more in Scotland) of parents who are longsighted enough to stint themselves and their families that the bright one of the family may "wag his paw in a poopit." But as a rule, even among the most respectable members of the lower middle class, the "*res angusta domi*," the growing number of mouths to fill and backs to clothe, render it imperatively necessary that the male members of the family at least, should at the earliest possible moment provide for themselves, and if possible contribute to the maintenance of the family. What wonder then if education, in the eyes of the lower classes, is stripped of its noblest attributes, and is looked upon rather as a means to an immediate end, as an engine for turning out, as soon as possible, a self-maintaining mercantile machine! What wonder if so few of the lowest class do rise in the social scale, by means of that most legitimate of all ladders, education!

There is no doubt that a great amount of talent, which might be made available for the service of the State, thus lies buried under the

weight of circumstances. In our large towns a boy of fourteen can and must maintain himself, and the sharper and more likely to benefit by his school, the sooner he leaves it. If we wish to retain this clever boy, and render his talents available for the service of the commonwealth, we must enter into competition with the employer of half-educated labour, and offer the lad, not merely a free education, which he cannot afford to use, but something in the way of exhibition which will clothe and feed him, and, if possible, purchase the claims which the family has on his time. I calculate that for each boy thus to be specially maintained while at school, whether as a boarder or day scholar (I should prefer his living at home), an average sum of 30*l.* per annum is required. Of course, the time during which this payment is necessary would be much shortened if the course of ultimate education at the university and elsewhere began earlier. "Nothing has tended more to put a college education out of the reach of a poor boy, than the late period at which he must enter upon it, if he wishes to compete successfully for its higher honours; but perhaps the blame rests rather with the schools, which have themselves prolonged the duration of the *status pupillaris*. In the last century even, boys graduated at the university at an age which would now find them in the fifth form. The late Bishop of Exeter, I believe, matriculated at Oxford at thirteen; at present, the usual age of entrance is nineteen.

The class of boys to whom I have been referring belong mostly to the third grade. But beneath them is a lower stratum, numerically the most important of all, which must contain a vast amount of talent at present unavailable. I mean, of course, the children of the labouring classes, now taught in our primary or national schools. Even these, it is true, do now and then rise out of this lowest circle, and force their way into the upper ranks of society; but they have nearly always to thank their own energy, and not the education provided for them. There is perhaps just an exception to prove the rule. The steady and forward boy becomes a favourite with the parish schoolmaster, and is made a pupil teacher. He is sent to a training college and returns to his home a master. The clergyman helps him in his higher studies, and lends him money to go to the university, where he turns out a high wrangler. This has happened within our knowledge, but it is very rare. Surely the result, thus exceptionally brought about by private benevolence, might legitimately be expected of our endowments.

How then shall we offer to the lowest class of all the endowments which are now monopolised by their more fortunate superiors in station? I answer—by establishing a connection between the primary and secondary schools.

Wherever an existing endowment affords a nucleus, supposing the situation to be favourable, I would establish a system of schools rising one out of another, somewhat after the plan recommended by the late commission, except that the different grades should

exist as departments of one grand whole, and not as independent individuals. Below this system would of course be the primary schools of the neighbourhood. The distinction between the primary school and the lowest of the secondary group would not be much greater than that between the several members of the group. It would consist in difference of payment and instruction. From the primary schools should be promoted, at an early age, on the recommendation of the government inspector, such boys as are really likely to profit by the elevation, a small exhibition being given them to cover their fees, payment for books and extra expenses. Once admitted into the secondary system, they would be able to hold their own, competing for the more valuable exhibitions offered in the different departments and thus maintaining themselves by their talents, as they would have done by their industry if they had gone to work, until they reach their final destination. It may be seen that I lay great stress on the fact of the exhibition at least equalling in value the market worth of the boy, so to speak, otherwise experience teaches me that the experiment would be unsuccessful. Some such arrangement as that here suggested, which may enable a poor boy of talent to maintain himself respectably at school, is absolutely necessary if you wish to make the advantages offered by our endowments a reality to all classes. I assert that it is a mere mockery to say to a boy of fourteen or fifteen, "here is a free education for you now, and an exhibition at the university or some other place of ultimate education when you are eighteen or nineteen," while we know that through sheer poverty he cannot possibly avail himself of it. I repeat that it is not so much from the unsuitableness of the curriculum, as owing to the absence of maintenance for poor scholars, and the protraction of the school career, that so few of the lower classes are able to avail themselves of our so-called free school education.

How far these suggestions can be carried into effect under the present Act I am not prepared to say. The powers entrusted to the commissioners seem to be ample. They can recast, slowly it is true, but surely, the whole of the existing schools. Let us hope that the checks with which their action is surrounded may not deprive that action of its needful energy. Large funds will of course be required, but the commissioners have power to divert to educational uses charities which are effete, or have failed to fulfil their purpose. And, if indiscriminate free admission is abolished, a large portion of the existing endowments may, as the late commissioners suggest, be well employed in founding exhibitions at the schools.

That the arrangement so roughly sketched out is not altogether impracticable may be seen from the fact that it is already carried out successfully, though under great difficulties, in a district with which the writer is well acquainted. Boys who can pass the third standard of the revised code before the age of ten, are promoted into a secondary school, in which French, Latin, and Science are

taught. From this department selected boys are again promoted to a higher or classical department, where there are numerous exhibitions tenable at the school, and whence scholarships are granted to the universities, King's College, Woolwich, &c., &c. The first fruits of this system may be seen in the fact that the youth who has this year obtained the first exhibition at Balliol as standing at the head of the Oxford Local Examination of the year, is the orphan of a policeman, who but for the fostering care thus bestowed upon him must have left school at twelve to become an errand boy.

The only objection that I have heard raised to the plan is, that the parents of the socially higher class boys who pay for their education might reasonably fear contamination for their sons from the grosser habits of the less refined exhibitors. But this objection falls to the ground when we recollect that the poorer boys so admitted are necessarily few in number, and the élite of their class. I have found, practically, that the majority of the boys are flattered by the lustre cast on their school by the talent so introduced.

On the Same. By REV. HENRY SANDFORD.

ANY one who has studied the system of public education in this country, and had the opportunity of contrasting it with the systems of the more advanced European countries, and of America, will be inclined to allow that, if we have many points of superiority, there are, on the other hand, in our system several very manifest defects. One of the chief of these defects is, I think, the want of harmony between the different parts of our educational system, the want of any connexion between the different institutions which are comprised in it. Indeed, it is difficult to say we have in public education any system at all. We have National Schools, British Schools, Wesleyan Schools, Grammar Schools, Free Schools, Ragged Schools, all working independently of each other, without, in most cases, any reference to the service supplied by each other, with little or no attempt on the part of one set of institutions to supplement the other. The evils resulting from this state of things are obvious and manifold.

First—Different institutions, which ought to work harmoniously together, jostle one another, and act as rivals to each other. The poor school, or ragged school, which ought to pick up the waifs whose presence in the National or British School might tend to drive from it the children of the more respectable artisans, is very apt itself to number amongst its scholars the children of the said artisans—of those of them at least who, if not respectable in the sense of having self-respect, are at any rate sufficiently well off to be able to pay for a better school.

Then, again, we have the National School or British School keeping scholars who ought to be receiving higher instruction in a

secondary or grammar school. On the other hand, the grammar school in the adjoining street, thus deprived of many who might form some of its most intelligent scholars, is overcrowded, as at Walsall Grammar School, perhaps with boys of a lower stamp, both socially and intellectually, than many who attend the primary school.

Sometimes it is a free endowed school, which, instead of taking a class of scholars intellectually above those that attend the National or British Schools, draws away just the class that should attend these institutions through the attraction of the gratuitous schooling which it offers, and which is often so bestowed as neither to reward intellectual effort nor deserving poverty.

Another evil arising from this defect in our educational system to which I am alluding is the waste of teaching power. Under the system, or rather no system, which I am describing, there is not a proper division of labour, and hence necessarily, as I have said, there is great waste of teaching power.

As each school has to undertake the training and instruction of boys of a vast variety of ages and attainments, so each school has to employ teachers adapted to the intellectual needs of children in all these different stages of development—an extravagant and utterly ridiculous mode of proceeding surely. If a manufacturer were to determine that in every room of his mill all the processes of carding, winding, spinning, and weaving, should be carried on, instead of assigning the different processes to the different departments, it would be little less absurd than what we often see done in educational matters.

For what is more common now than to find infants under three, and intelligent boys working hard problems in arithmetic all perhaps in one room, at any rate under one master, who bewilders himself in the effort to adapt his teaching to children of all these various capacities; or else, being himself absorbed in the higher teaching, hands over the little folk to the youthful pupil teacher, or still more incompetent monitor, who is too often the only kind of assistant which the liberality of our present system supplies him with.

Nor is there, in many cases, any excuse for this plan of throwing such a multiplicity and variety of labour on one institution. There are in most towns, even in many villages in the north, a variety of institutions established for education, just as the ages and capacities of the youth of each district are various; but these kindred institutions are often, either in a state of stagnation, or are working on in the blundering, self-willed fashion I have described, wasting their means and powers on a sphere already occupied, instead of reserving them for some other in which they might be essentially useful.

Another evil arising from this want of harmonious action between the different educational institutions of the country is, that there is

no proper system of promotion from one to another. Thus a great stimulus is too often wanting for the more intelligent youths in our public elementary schools. When a boy gets to the top of a school he is apt to stagnate. He has done all he can do in his present sphere, and there is no higher sphere of exertion to look forward to. If there were a proper gradation between the different sets of schools in the country, the most meritorious of our youths, whether boys or girls, would be promoted from one school to another, and the hope of such advancement would be a stimulus to exertion, which now, in too many cases, is wanting. I am very glad to find that the present Vice-President of the Education Department has spoken—in reference to our grammar schools—strongly in favour of some such system of promotion from one set of schools to another.

Now the want of a proper gradation between the different parts of an educational system does not exist to the same extent in the countries that are most advanced in regard to educational system, as it does in our own country. For instance, Germany has, besides its people's primary schools, its higher civic schools or real schools, and its gymnasia—each institution with a course of instruction more advanced than in the one ranked below it, each taking up the work of instruction where the other had left it; scholars not, as a rule, being admitted into the real schools till they are ten years of age.

Again, in America, there are, besides the common schools, the intermediate or grammar schools, and the higher schools. I do not mean to assert that the gradation between the different institutions even in these countries is perfect. In some places a link in the educational chain may be wanting, but at least there is an approach to such a gradation. The system professes to aim at it. At least there are in each district, schools supported by the nation, provided to meet the different ages and capacities of the youth of the district. Even when two grades of schools have to be combined in one institution, there are separate rooms. Congregating so many divisions into one room is a great evil in our English system.

Now why, it may be asked, have we not the same gradation in our English system of national education? One reason is because only institutions of one class, viz., our primary schools, belong, strictly speaking, at present to our national system. Obviously, when there is only one grade, there can be no gradation between different grades.

We have, indeed, different institutions—ragged schools, endowed schools, grammar schools, which might, if brought to work together, form parts of a graded system; but in most cases they are quite disconnected, have started into existence independently of each other. There is the want of some controlling power, which can harmonise all these existing institutions. We have at last the Endowed Schools Commission, which it is to be hoped will be the means of enabling many an institution to do the special work which the cir-

cumstances of its neighbourhood require of it, and save it from being perverted or perishing through stagnation.

A wise dictum of Canon Norris appears to have attracted the attention of the Commissioners, and its influence shows itself in the recommendations contained in their Report. The dictum was to the effect that no sensible man could attempt to define accurately the sort of schools wanted for the children, severally, of the working, middle, and upper classes, but that the classification a wise man would make would be—(1st.) Of schools suited to the requirements of those who are to remain at school till they are fourteen. (2nd.) Of schools for children who are to remain at school till they are sixteen. (3rd.) Of schools for those who are to remain at school till they are eighteen, *i.e.*, till they are of an age to go to the universities. The recommendation of the Commissioners, with regard to the classification of schools, tallies with this dictum. But now the question arises—Are the Commissioners considering the case of children of the middle class alone, when they propose this classification? If they are, I venture to suggest that the classification will need modifying.

A division of all schools on the above plan is very good if the schools for children of the working class, as well as those for the middle class, are to be considered, but we certainly do not need a set of schools for children to leave at fourteen for the middle class. If the Commission have any control over schools of such an elementary character as this, it is to be hoped they will arrange for their being useful to the working classes as well as to the middle class. People of the trading class ought to be above wanting schools which children are to leave at fourteen. At any rate, if they are not ashamed of taking their children away at that age, the State ought to be ashamed to arrange its institutions so as to facilitate their doing so.

I confess, however, I am in hopes that neither the Commission itself nor the nation will allow that this is the work of the Commission—exclusively to see after the education of the middle class; rather, that its work will be seen to be to provide those links in the chain of our educational machinery which are needed to suit the wants of all classes.

But yet another question arises. If the Endowed Schools' Commission is not to confine its attention to the wants of the middle class, yet perhaps we shall be told it is to consider only the case of endowed schools and their capabilities, without any reference to what is being done by the other institutions which are carrying on the work of national education. If this be so, I fear we shall have again confusion. If endowed schools are to set about providing by themselves for the three different stages of educational progress, and to supply, without reference to existing schools, the three grades of primary, intermediate, and higher instruction, we shall have them clashing with the present system of State aided schools in some of their branches. Doubtless it is a defect which could hardly be

avoided, inherent in the constitution of an Endowed Schools Commission, that it cannot control the whole machinery of national education ; but, if it cannot at present control in any way the non-endowed schools, it can at least consider them, and avoid ignoring them, it can examine carefully what their work is, what needs they already provide for ; and so arrange to supply by means of the endowments exactly what is lacking in the educational machinery of each district.

Another obstacle to a proper gradation in our school system is the existence of our religious differences.

Now of course this religious difficulty cannot be ignored ; and the obstacles to a perfect gradation of schools, based on differences in mental attainment which it presents cannot be altogether got rid of. But this difficulty might be infinitely lessened, these obstacles might be greatly modified, if people would only be practical and sensible. The Educational Council should firmly discourage the establishment of schools for denominational or any other purposes which the wants of the population do not call for.

Granted, that there must be some church schools, some non-church schools ; still there need not be schools connected with every new sect that the restlessness of modern thought on religious questions gives rise to.

Nor is it necessary that in every grade there should be institutions for every denomination. If there are, say in a town, church schools and Wesleyan schools of the primary grade, and an endowed school, which might serve as a school of the secondary grade, don't let it form another kind of denominational school (as I have known it form ; for instance, a Unitarian school), doing over again the work of primary instruction, which is well provided for in the neighbouring National and Wesleyan Schools. Or, if the endowed school is a church school, and the population of such a place is limited, don't let the stiff churchmen of the place insist on every one who attends the school learning the catechism ; nor the liberal theorists on the other hand make a great stir about getting up another school for secondary instruction on an unsectarian basis ; let them be content with seeing that the due regard to the religious scruples of parents, for which the Endowed Schools Act makes such ample provision, be really paid. The unregulated multiplication of schools, several to do the work which one could do, is a waste of money, and a waste of power ; it is a real hindrance to the cause of discipline, and therefore of true education.

Another, and indeed the chief, objection to a proper gradation in our school system arises from our social distinctions. If we are to have one set of schools exclusively for the use of the middle class, another set for the exclusive use of the professional class, in addition to what we have for the use of the working class ; if this is necessary, the difficulty and expense of establishing a graded system will be greatly increased. With regard to this difficulty, and the objection people have to their children mixing with children of a lower social

grade than their own, I cannot help saying, that if there were more real gentlemanly feeling, less false refinement, than there is amongst us, it would not be so great a difficulty as it at present seems to be. Children of different grades mix together in the old-fashioned countries of Germany and Italy, as well as in the new land of democracy across the Atlantic.

However, it must be acknowledged that in regard to social distinctions, not only America but Germany, and other continental countries are more democratic than we are ; and it must be allowed, too, that in certain cases there is some force in the objection which parents called respectable have to their children mixing with a poorer class than their own. So far, then, as this objection is reasonable it should be considered ; not pondered to when it proceeds from vulgarity and pride.

Acting on Canon Norris's dictum, above alluded to, we shall give weight to this desire for select schools on the part of parents as far as is reasonable. Let there be, in addition to and above the existing primary schools for children whose school age terminates at fourteen, secondary schools for those young people who mean to attend school till they are sixteen. These schools will mainly be filled with the children of the trading class ; the most intelligent youths of the working class should be admitted to them at low fees from the primary schools ; but as these working class scholars would be the *élite* of their class, they would not to any extent introduce into the higher school the rudeness of manner, or want of cleanliness, which, it might be feared, a promiscuous inrush of children of the poorer classes would introduce.

It may be necessary in some cases to have two grades of schools for children whose schooling is to terminate at the earlier age. Supposing we have a law securing to every child its right to education (which is devoutly to be wished), in some town districts the influx of rough street children may render it necessary to have two departments ; one for those leaving at thirteen, one for the tidier class who leave at fourteen or fifteen.

So, again, with regard to the schools for the youth whose school age is to terminate at eighteen. If their character be thus determined by the age of their scholars, they would mainly be composed of the children of professional people, or of merchants and the larger manufacturers ; but the fact that a certain proportion of their scholars would be the sons of meritorious tradesmen, or even working men willing to make the sacrifice of keeping their sons at school till they are eighteen, would save the school from the reproach of being the school of one class only—would help to satisfy the claims of the working people, who often urge that the privileges of the old foundations meant for poor scholars are denied them.

What I should like to protest against is the idea that it is necessary to have separate primary schools for little children of the middle class, or to disarrange secondary schools, by filling them with middle-class scholars of very elementary attainments. If small children of

the middle class cannot attend the parochial schools (though I went myself to one when I was a child), there are ladies keeping private schools, who teach young boys with the utmost patience, and sometimes skill. Let the private lady-teachers take charge of these elementary scholars of the middle class; but let the secondary schools that are to form part of the National system be secondary schools in reality as well as in name, and confine themselves to the work of higher instruction.

The schools which boys are to attend up to their sixteenth year will answer to the intermediate schools of America, or the Real-Schule or Gewerbe-Schule of Germany, their subjects of instruction being, besides scripture, the higher branches of arithmetic, certain studies in physical science, and in modern languages. The schools which youths are to attend till they are eighteen will answer to the higher schools of America; or the gymnasia of Germany. Classics and mathematics will, I presume, enter largely into their curriculum; how far physical science and modern languages ought to enter into it I will leave others to suggest.

As far as the gradation between intermediate and higher schools is concerned it would be sufficient, I should think, if they were distinguished by subjects taught, rather than by difference in age and attainment, should this be preferred.

In conclusion, I should like to mention one or two cases that have come to my knowledge, in which some attempt has been made to establish such a gradation of schools as I have mentioned, and to establish a connexion between institutions for primary and those for secondary instruction. For instance, at the Collegiate Institution, Liverpool, under Dr. Howson, at Stoke-on-Trent, in Staffordshire, under the able management of Sir Lovejace Stamer, where a higher department has been connected with the elementary National School. The master of the National School has charge of both departments. He has two assistants under him. Boys in the upper department, which numbers about 100, pay a fee of 1s. a week. The more advanced scholars study Euclid and Algebra. The fault I find in the plan as carried out there is, that the distinction between the two departments is too much based on social class, and the amount of school fees paid.

The plan I should like to see carried out would be—The upper department to be composed exclusively of those who can pass the fourth standard and are above it; intelligent boys who have passed the sixth standard to be admitted to it even if they cannot pay the higher fee. With regard to the lower department, no boys who have passed the sixth standard to continue in it; even those who have passed the fourth to be encouraged and helped as much as possible to get into the upper school.

This principle of not allowing the work of secondary instruction to be interfered with, by letting elementary classes creep into the higher school, is acted upon, I believe, in the Trade School at Bristol, which is, perhaps, as good an example as we have in this country of the Real-Schule or Gewerbe-Schule of Germany. Even in the

lower department, scholars are not admitted till they are equal to the fourth standard. Of the more advanced teaching which is given in the upper department, there are others here, doubtless, who can give better information than I can.

A school on the model of this Bristol Trade School, with two grades or departments, has been formed at Worcester. Again, there are some of our smaller grammar schools, as at Halton, Cheshire, which act as upper departments to the primary National Schools of the locality. There are some of the larger grammar schools which keep up a kind of connexion with the elementary schools by electing by competition from them some of their most advanced scholars. This is done on a large scale at King Edward's School, Birmingham; on a small scale, at the Bridge Trust Middle School, Handsworth.

But speaking of grammar schools, there is one point I wish to impress on all who are interested in this subject, viz., that merely utilising these institutions will only effect a portion of what is wanted for the secondary instruction of the country. First of all the grammar schools ignore the best part of the rising generation—the girls; with so gallant a nobleman as Lord Lyttelton at its head, the Endowed Schools Commission will certainly do all that can be done to repair this omission. Still endowed schools can only do a tithe of what is wanted. Then there are large populous districts, *e.g.* in the Black Country, which have no grammar schools at all. Again, to be on a par with Germany and America, we must have not only grammar schools, but intermediate schools; but for this we shall want help from a rate. Do not let gentlemen cry out against a rate for schools that are to meet mainly the wants of the middle class; for what is the reason that all classes in Germany and America submit to a school rate? Why, safely, because all classes, not the poorest only, feel they are benefited by it. Then we should have Provincial Boards to see that the rate fund be applied properly, to see also that the plans for supplying each district, with the required institutions for primary, secondary, and higher education, drawn up by the Central Council, be duly carried out; to see that the few simple principles, which it is to be hoped Parliament will lay down to secure the proper gradation of schools, be duly observed. Under such regulations—perfect independence in other respects being allowed to them—the various educational institutions in the country will, we may believe, do their work with as much energy as they now shew, but much more effectively, because they will do it on a system, and in harmony with each other. And so in this matter of education, as in other matters, our country, which, with all its zeal, has suffered so much from the want of system, will, with system, soon make up for past deficiencies.

Mr. R. W. GILES (Clifton) read a paper on the same subject, treating it from a middle-class point of view. After an examination into the question of the intentions of the founders of the great English

public schools and of the leading grammar schools, resulting in the conclusion that they were in almost every case intended for the middle rather than the upper class, the writer went on to say :—

The intention of this imperfect examination of the public school system, in operation in England at the present day, is to show that the most destitute class in regard to public educational facilities is the trading portion of the middle class, a section of the people who, perhaps, more earnestly than any other, desire the advantages of thorough education for their sons, knowing that their success in life will probably depend upon it. They only ask not to be excluded by conventional distinctions, of which it is hard to say whether they exclude most good or let in most bad, which are so artificial as often to be unintelligible. They ask not to be excluded, on such pretence as this, from privileges which they are desirous of enjoying upon the same terms, and subject to the same conditions, as their fellow countrymen; they ask to be released from the oppression of a system which is based upon the principle of privileged and unprivileged classes, which is an anomaly in a Christian and a free country; and they make an appeal for a frank avowal of sympathy, as a necessary condition of co-operation with them in extending the education of the people.

It would be specious philanthropy and bad economy to limit the Association's efforts to the spread of education among the physically destitute classes, who, according to modern views, need coercive laws to compel them to submit to it, while countenancing a system which denies education to those who hunger and thirst for it. It is like putting forth one hand to rescue the wilfully drowning, while the other is engaged in pushing a struggling swimmer under water. Such half measures should not receive the support of the middle classes. The writer would rather counsel them to take part in no scheme professing to be national, which falls short of a comprehensive treatment of the whole question, to be led away by no inducements from the obligation to rectify an old standing wrong, before entering upon new and wider discussions; to enforce restitution before affecting generosity. But if, unhappily, it is decreed that the work shall be carried on in fragmentary fashion, then will it be their clear duty to urge their own claims, and to persist until they have secured for their own sons an education suitable to the positions they will be called upon to fill, not restricted by the station which their fathers have occupied. When they have discharged this solemn obligation it will be time enough to look abroad, and to supply the wants of a class which, in the opinion of the Bishop of Oxford, and in the more humble estimation of the writer, is already more abundantly provided with public educational facilities than their own.

DISCUSSION.

Mr. PEARS: There is one point in connection with this question which is usually overlooked, but which should be most prominently kept in view. In the Bill

introduced at the beginning of last session, or in the second part of the Bill as it is now before the public for consideration, previous to being re-introduced next session, there is no mention made of any kind of scholarships by which poor boys may have an opportunity of rising from one school to another until they attain the highest education in the country. My ideal is to construct such a system as may enable every child in England to gain the best possible education its country is capable of giving. And any measure to be submitted to Parliament should be tested by this requirement. There are certain subjects in which all boys must be instructed, such as reading, writing, and arithmetic, and these may be taught in common; but after these come special subjects in which boys should be taught according to the station of their parents, the sphere the boys are likely to move in, the occupation they are likely to follow; and it is for these special subjects that arrangements must be made, and made in such a way as to enable a boy to go on from one school to another in regular order, and stop only when necessity requires, or ambition fails. There are a number of subjects common to all primary schools, and to the schools belonging to a higher grade than, for example, the Bristol Trade Schools, and it is by means of examinations in these common subjects that you may pass a boy on from one division to another. The Commissioners have noticed, in their excellent report, that the endowed schools have failed to a great extent in furthering the education of the poor; to their honour it must be said that many boys have found their way from them to the Universities, and thence to the highest offices in Church and State. What we want to do now is especially to revive this function, not by means of the old grammar schools necessarily, but by some means. England has much more lost ground to make up in this respect than is generally supposed. In America the poorest boy can work his way up readily to the highest education his country can give. In France the same rule applies. As the head master of one of the large schools in France put it to me some time ago, not only is it true that every poor soldier carries a marshal's *baton* in his knapsack, but it is also true that every poor boy has a career open to him in every possible department of the State. He may rise from one school to another until, at the age of eighteen, he may select his profession and receive a free education to fit him for it. In our own colonies we have done the same thing. It is, perhaps, out of the question that such scholarships can be given here out of the national funds; the income requisite for such an arrangement would be very great. We have however the grammar schools at our command; they were founded for the poor, and the poor have a right to them. These schools have usually been founded by self-made men, who, conscious of the uphill fight they had had, were determined to give others who came after them means of overcoming similar difficulties. But partly from the fact that the curriculum was designed to meet the wants of 300 years ago, these schools have become unsuited to the class they were established to serve; still that class has a right to the endowment, and Parliament will not have done its duty until it remodels the system to suit the requirements of the time, and again places in the hands of the poor boy means by which he may gain the highest education his country affords.

Mr. Heywood, F.R.S., after remarking upon the difference between the methods of educating youth in Queen Mary's time and now, repeated a statement of Sir Charles Lyell, to the effect that out of the large number of boys who attend endowed schools, perhaps five a year go to the Universities of Oxford and Cambridge, and it is for these five that the whole system of the school is sustained. Proceeding, he said, I am glad to find that in many cases the writing of Greek and Latin verse is being given up. At Harrow, I understand, no boy is allowed to write verses unless he has a talent for it. Stupid boys are not allowed to write them, and I hope the reform will be extended so far, that they will be done away with altogether as a branch of study. They are maintained now principally because of the system prevailing at the old Universities. When I was at Cambridge, I remember a young man who was brought up at Charterhouse, named Henry Lushington, a distinguished young man, who earned the Porson prize, because he was declared the best writer of Greek verses, and indeed you could hardly tell his lines from those of Sophocles or Euripides. He was congratulated on all sides, and very much praised, but there was an end of the matter; his accomplishment was only an accomplishment, and comparatively useless for all

practical purposes. Now-a-days, French has taken the place of the Latin language, and in this reorganisation of endowed schools, measures will have to be taken to teach modern languages as a means of intercommunication; and this will only be carrying out the wills of the founders, because they desired education in Latin only because it was the common language among men of science and learning. But this reform can never be brought about in our grammar schools unless the Universities are also reconstructed in a similar manner. Parliament should abolish the Porson prize as at present constituted; there could be no harm in that, because the capital sum from which it is given was collected in honour of Professor Porson, and those who managed the fund did the best they could with it, according to their lights. It is matter of common complaint now, that grammar schools educate boys now, not to fit them for merchants and useful citizens, but to enable them to gain the Porson prize. I once resided in a district which was inundated by Germans, and French, and Italians, with whom there was no competing in foreign trade, because they were conversant with the language and their English neighbours were not. I was expected to master German and French with lessons of an hour a week, and I understand two hours a week are to be devoted to French in some of our great public schools. But what can one learn of a language in two hours a week? The Commissioners under the Endowed Schools Bill could bring modern languages nearer to our doors, and we hope they will deem it their duty to do so. The reform will prove a very arduous work, there are so many bribes existing at the old Universities for the maintenance of the present system. At Oxford there are 400 scholarships of 65*l.* each, making 26,000*l.* a year; presuming Cambridge has a similar number, we have 800 scholarships at 50,000*l.* a year for the two Universities. The fellowships are worth 300*l.* a year, and at Oxford there are 54 fellows of colleges, so that you may put them down as at least 100,000*l.*, probably more. All these are devoted to the dead languages, and are so many slays to them, with the exception of some twenty or thirty devoted to modern science. Then there are headships of colleges, some of them yielding 2000*l.* or 3000*l.* a year. Altogether the headships are worth 25,000*l.*, bringing up the total to 150,000*l.* a year for Oxford, and presuming Cambridge has the same, we have 300,000*l.* a year in the shape of endowments principally devoted to the dead languages. It is most unreasonable to continue this system, which deserves a protest on the part of the country. A great number of the religious tests have been abolished in answer to protests, and this system must go too if the country is in earnest. Dr. Arnold has done much; Dr. Temple may be regarded as one of our leaders; let the country support them and the change must follow.

Rev. Canon MOSELEY: I think I shall be acquitted of any unreasonable predisposition in favour of a classical education, as I have devoted much of my life to the study of science, especially for the benefit of those for whom endowed schools were originally established. I believe these to have been little tradesmen's sons, and the like, and that the schools were intended eventually to lead on to the Universities. The funds of these schools and the work of these schools, however, have shifted upwards by the force of circumstances, and another class for whom they were never intended now enjoys the endowments. This is undoubtedly a great grievance, which we ought to remedy. Yet men, eminent in the political world, and particularly conversant with this question, have doubted the propriety of contributing from the public funds for the education of the middle classes. I remember when I was under examination by a Commission on the subject, I said in reply to one of the Commissioners—"The middle class man is struggling to keep even with the times, and has great difficulty in educating his children, yet you say it is unjust the State should contribute to that end. Gentlemen," I said, "there's not one of you whose education has not been *elemosynary*. You object to these struggling men being assisted in the education of their children, while you have all been largely helped, and helped from the very sources intended for the children of the class you refuse to assist. For what are the professorships, scholarships, and exhibitions in connection with our Universities but so many helps to education for gentlemen in the class to which you belong. Remove them, and what would become of the education of your sons. If these aids are necessary for you, how much more must they be necessary for the education of the middle classes?" Having said thus

much in favour of the middle-class movement generally, which, in my opinion, should be our special care, I would say that the instruction needed should be instruction in material things for scientific ends, because the youth of that class will grow up to occupy positions, in which they will have to deal with matter. What educates a man is the study of that which specially concerns him, and that which he has an interest in learning, so that he may become a self-teacher. But there is also another great class of society who are, if I may say so, the leaders of men: they exercise a great influence by directing affairs; they deal not so much with matter as with mind; and whoever would be a leader of men must be a master of language. I look upon it, therefore, that the machinery of society absolutely requires that its leaders should be instructed in languages, for the power of language is a power indeed. Whether any other way of teaching languages methodically can be devised than through the teaching of the old classical languages I will not stop to inquire; it is sufficient to know that the method has been tried and found very good. I thought I would bear this testimony to the uses of the classical system.

Rev. BROOKE LAMPERT: I would suggest that we may all materially assist the common object, if, in our individual capacity, we were to do all in our power to induce those who have educational exhibitions at their disposal to give them for competition at National Schools. The city companies, for instance, have a large number; they really don't know what to do with them all.

The Rev. Canon MOSELEY read his paper on "Church Education,"* after which

The PRESIDENT stated his impression that the Birmingham League did not desire to force children to any particular school. Any parent could send his child to any school he chose, and the League required only that the child should go to some school.

The discussion was continued, and had reference partly to the question of the day, and partly to Canon Moseley's paper.

Rev. Dr. RIGG: Canon Moseley, one of the oldest and highest authorities on educational matters, and at whose feet those who have studied the question of education must have sat for many years past, seems to be of opinion that if we could arrange that all children of the right age and right class should be employed, partly at work and partly at school, upon a principle of half-time, the compulsion would be efficient though indirect, and the general result would be to fill existing schools, and thereby to provide virtually for the education of the country. The schools would be all inspected, and grants made to all of them according to results. That is, I understand, Canon Moseley's proposition, and he would leave it to the parents to select the school for their children. I believe, in statistics, Canon Moseley is as correct as possible, and that the result he aims at would be produced by some such measure as he describes. No doubt it would be a very great blessing, as far as existing organisations are concerned, if an efficient system of compulsion were brought to bear upon those who had to do with children, but we must not lose sight of the great difficulty in the way of carrying out any such plan as he suggests. The difficulties lie in the fact that we have to deal as Englishmen with the problem for Ireland and the problem for England at the same time. We must remember that if the denominational system is to be maintained in all respects as at present, then it is a strong argument against Canon Moseley's proposal, that some persons who hold very defined views would insist upon the extension of the denominational system in some form for Ireland, instead of the national system at present established there. Speaking as one who in general approves of denominational schools properly administered for England, and at the same time does not approve of the sort of denominational schools which would be established in Ireland, I am convinced that there is only one way in which to preserve existing interests in this country, and yet to avoid the extension of a denominational system in Ireland, and that is by frankly saying that the denominationalism of this country must be as much nationalised as possible. I am quite sure that if we retain the denominational system here, with all its sharp definitions and distinctions, we shall find ourselves on the horns of a dilemma, and be unable to refuse denominationalism for Ireland, which would be a very great

* An abstract of this paper appears on page 380. The portion read is intended to form part of a work on education, which its author is preparing for the press.

calamity. One thing more. Canon Moseley proceeded on the assumption that we must get an effective system of compulsion. Unquestionably; but let us understand what we mean by compulsion. There can be no question as to the abstract right of the State to compel parents to allow their children to be educated, but when we speak of compulsion as applied to the question of the hour, it is meet to inquire what education, and what class of persons, are to come under the system of compulsion? I believe the upper classes have been as badly educated as the lower. Take the last century through, and anybody who reads the evidence taken by the Schools Inquiry Commission appertaining to the middle schools, will come to the conclusion that is difficult to determine whether the higher class schools or the middle class schools, which have made such discreditable returns of their scholars, are more disgracefully at fault. Had the upper classes been thoroughly educated, we should have had very different legislation during past years. I believe it would have been more for the benefit of the whole country, and we should have fewer evils to deplore now, if the upper classes had been thoroughly educated, than if the lower classes had been dealt with. Moreover, I believe the deficiency has been greater above than below, though perhaps less apparent. Canon Moseley read an extract from Baron Martin's observations, but how did that extract wind up? Baron Martin says almost everything that can be said condemnatory of the bribable working man, and he finishes by saying, that all this has been accomplished by those who, he does not hesitate to say, are infinitely worse. And who are they? Not uneducated working men; so I say, Baron Martin shows us that it is far more important to secure the perfect education of the upper classes than the instruction of the lower. My conclusion therefore is, that it is idle for us to insist upon the application of a stringent compulsory law, on the ground that "our masters" must be educated. I say the operative should no more be treated to compulsion in regard to his children than the nobility. How are we to separate classes? Are we to say the operative shall submit to the law, and the small shopkeeper not, and yet the poorer operative is vastly better provided for than the small shopkeeper?

Canon MOSELEY said he proposed universal compulsion for the rich as for the poor.

Rev. Dr. RIGG: I am very glad to be fortified by Canon Moseley's opinion, and it is high time the section understood what was being aimed at.

The Rev. J. W. CALDICOTT said that when in the chair temporarily on Friday the question was introduced, and universal compulsion met with general approval.

Rev. Dr. RIGG: Then I take it that it is generally felt we are to have a compulsory law for all, and that we are to have machinery for ascertaining what children are at school, and for how many days in the year, and whether or not they pass a thoroughly satisfactory examination. This would be a very excellent thing, and I trust the next member of Parliament who gets up, like Mr. Melly, to talk of compulsory education will go the whole length, and announce that he looks for compulsion for every rank and for every part of the country.

Mr. WADDINGTON: As one who is greatly indebted to eleemosynary means of education I feel bound to make a protest in favour of classical education. Mr. Heywood spoke of the great importance of French as compared with classics, and praised it as the Latin of the present day. For conventional purposes it may be but for scientific purposes I deny its claim to be preferred. Latin is the scientific language all over the world; Latin, too, is the most useful language on which to found a knowledge of grammar, and in this respect it is not a dead but a living language. And lastly, though not least, Latin should be valued and cherished on account of its poetical associations and its literature. The fact that two of the greatest statesmen of the age are also renowned as two of our best classics should be regarded as an argument in favour of classical languages. Mr. Giles, in his paper, spoke as if aggrieved that great Public schools, such as Eton, Rugby, and Harrow, are at present, by convention and social feeling, though not by law, confined to the sons of gentlemen. But I presume, if they were thrown open to the middle classes by competition, very little difference would result in the character of the scholars. There are but nine or ten of those schools altogether, and the large numbers who attend them are but as a drop in the ocean of middle-class education as we understand it. Mr. Matthew Arnold, writing on this question, says these nine schools are, by their constitution, such that they profess to reach but select portions of the multitude claiming secondary instruction; and whatever

they may profess, being but nine, they can only reach select portions. I look upon these schools, then, as outside the question. I confess that it is my desire that at some future time education may be undertaken by the State, with the schools divided into primary free schools, with compulsory attendance, and secondary schools, to which attendance would be optional at a fixed fee. I would have both classes of schools protected by inspection, and the quality of the teacher ensured by certificate or diploma. I speak from experience of the damage done daily in towns and villages by the so-called Dame schools, generally started by ex-masters of public schools who have got together a private connection. I would, therefore, have it provided that no person should be allowed to teach a school exceeding five scholars without a proper guarantee of his competence, either from a University or the Government. Whatever plan is adopted, inspection of some kind should be regarded as indispensable. Now, one word as to denominational teaching. If I believed that by giving undenominational teaching we should be giving irreligious education I would say God forbid. But I do not believe that the two things are thus bound up together. I agree that it is impossible for us to adopt any definite system of religious instruction in our State schools if we are to tax Roman Catholics and Jews to support them, because some even object to the mere reading of the Bible, much less giving instruction in what the majority of Englishmen would agree contained the bare outlines of Christian doctrine.

The Rev. J. W. CALDICOTT: The main argument which has been levied as yet against the present system in support of the undenominational system is its absolute failure as regards efficiency. Canon Moseley, an able and eloquent supporter of the present system, has supplied us, I am sorry to say, with most excellent material for the advocates of the undenominational schools. His statistics have completely cut away the last ground for supporting the denominational system, by showing that it has not the slightest hope of success in the future. He has shown us that the attendance at those schools of ages likely to benefit largely by instruction is actually diminishing at this moment. What, then, is the practical use of coming before us and telling us that you must not interfere with the denominational schools because they are in possession of the ground? Now, with respect to the paper read this morning, I wish the attention of every parent in the kingdom who has children likely to be affected by the Endowed Schools Bill, to be drawn to the question in what way one portion of the Commissioners' recommendation can best be carried out? I refer to their recommendation with respect to the grading of schools. There is a great waste of power in the kingdom occasioned by able men being employed to teach elementary matter, and this power could be used to the best advantage if schools were graded or classed, as schools of the first, second, and third degrees, and be distinguished from one another by the age of the scholars, the nature of the lessons, and the payments to be made. Unfortunately, the question of payment is saddled with a difficulty. Parents in commercial districts act up to the rule of buying in the cheapest and selling in the dearest market, but unfortunately they do not always accurately determine in what cheapness really consists, and of two schools, one charging 6*l.* and the other 4*l.*, they would choose the latter as a matter of course, without considering the quality of the education, of which, however, they are not very competent to judge. Now, if the Commissioners were to start their grades of schools, the result would be to drive down the children from the upper to the lower schools, except in the case of a few boys, whose parents from motives of conscience or interest desired a superior education for their children. On the other hand, if the Commissioners were to take the grammar school of an agricultural town, which might be a very good one, and under the control of an able man, and reduce it to the standard of a primary school, what is to be done with the boys whose parents appreciate and desire the higher class of education they are now receiving? They must perforce go to the nearest advanced school in the neighbourhood, and perhaps have to become boarders, which would most probably neither suit the pocket nor the inclination of the parents. I shall be met by the argument that scholarships would enable these clever boys to pass from grade to grade; but we must remember that these scholarships can only be gained by passing through the primary schools, and there are in England many professional men, clergymen, doctors, lawyers, and some whose incomes may happen to be meagre, but who are not disposed to send their children to primary schools,

and who are just suited by the present system, because they appreciate education of the highest sort. Their objection to sending their children to schools of the lowest grade may be regarded as foolish or false pride, but it exists, and it may be that they will not risk the chance of his having been sent to such a school being thrown in his face in after life. In this way, the great bulk of the boys who now go to the Universities from grammar schools will be lost altogether; the scholarships will be won by a few clever boys who have passed through the grades, and they will go off to the great centre where the higher schools are to be formed; for remember, it will no longer be a first-rate school in every small town of 10,000 or 12,000 inhabitants; these higher grades of schools will be scattered thinly, because the leading principle of the change is, that you want to bring the teaching power into a focus. And what would be the position of the five, ten, or twenty boys who come to these higher schools on the strength of scholarships? We have something like what would happen at Eton already in the oppidan and the colleges. It has been repeatedly stated in evidence that the oppidan will do badly in examinations, because he does not choose to lose caste by passing from the gentlemanly oppidan into the vulgar collegier. In the same way, you will have the few scholarship-holders grouped among the bulk of the pupils whose parents can afford to pay for the advantages of these higher schools. I will quote a remark made by Mr. Johnson, one of the assistant-masters of Eton, who said—"Being asked whether there are any advantages common to the other boys from which the scholars are excluded, I reply that they are excluded from the chief good of an Eton education—social intercourse with the great body of their schoolfellows." The paper read from Mr. Johnson this morning offers a solution of the difficulty in the proposal to divide the school itself into grades. Let each school have an upper, a middle, and a lower grade, as we have at present in the great grammar schools, so that the children of every portion of the population can study there without being separated from home influences, and without being troubled about class differences. This could be done by using the existing endowments, and without introducing any new-fangled system of graded schools. Speaking as one having a claim upon an educational endowment, I believe that the best means by which you can extend education to all classes of the community will be by at once seizing every penny of educational endowments in this country, and turning it into scholarships. I wouldn't allow a farthing to be paid to any master except for work done, and would not allow anything in the shape of an endowment for any master whatever. The great majority of masters in England would be delighted if, instead of receiving 500*l.* or 600*l.* a year in the shape of endowment, they should receive that sum as from holders of scholarships, because they would know the scholars had natural ability tested in competitive examination, and that their labours would be attended with more satisfactory results.

THE PRESIDENT: I do hope that in discussing the question of endowments, we shall bear in mind that they are the appanage of girls as well as boys. I feel very

anxiety of not allowing it

become a dead letter.

MR. HEYWOOD moved—

"That the Council be requested to recommend to the Endowed Schools Commissioners the special consideration of girls as well as boys; to apportion in such cases, where practicable, an equal share of the endowment for each of these classes of scholars; and to arrange schemes of education for girls in addition to those prepared for boys, so as to carry out in a practical manner the provisions of clause 12 of the Endowed Schools Act."

The resolution was put and carried unanimously.

THE REV. BROOKE LAMBERT then moved—

"That the Council be requested to bring before the Endowed Schools Commissioners the advisability of considering clause 9 of the Endowed Schools Act, 1869, so as to provide in their schemes a regular system of schooling, whereby the labourer, without loss of such income as would arise in his or her manual labour, may prosecute the higher branches of education."

This resolution also was put and carried unanimously.

FEMALE EDUCATION.*

On Female Education. By MARY CARPENTER.

THE subject of female education having begun to occupy the public mind, it is evidently one deserving the attention of the Social Science Association. The President of this Section last year, the Right Hon. Lord Lyttelton, when introducing the subject into his address, speaks of it as one whose importance cannot be exaggerated, but says that "he is strongly impressed not only with the difficulty and uncertainty of the question in many respects, but with the consequent tentative and experimental nature of it, regarded practically." The question had received special attention in the Schools' Inquiry, and his lordship particularly directs the public mind to the fact, that the opinion which was stated with much weighty authority in the Report, was, that "simply looked on in the intellectual view, the capacity of girls to learn is similar and equal to that of boys." In this tentative and experimental condition of the subject, then, it appears to be the duty of all who have had actual experience to offer any suggestions which may be founded on it. Having myself for forty years been engaged in female education, during the first twenty years of the higher classes of society, and subsequently of the lower and of the very lowest, I beg to offer the following observations, especially in reference to the culture of young ladies in schools above the National and British Schools, which are intended for the labouring classes.

It is quite unnecessary here to enter on any discussion on the comparative powers of the two sexes. The Creator has destined them for totally different spheres, and has consequently endowed one with greater power and energy, and the other with greater susceptibility and delicacy of organisation. Each should respect the different gifts of the other, and each should have a free and equal opportunity of developing the powers bestowed by the common Father of all. It is certain that such a course would most conduce, not only to the welfare of the individual, but of society in general.

This fair and equal development has not generally been accorded to woman in any part of the old world; but whenever they have had equal opportunities of improving their mind, I have found that young ladies, up to the age of fifteen or sixteen, even surpass the other sex for their quick apprehension and susceptibility, and if other faculties have been well developed, give them a great advantage even in classics and mathematics, studies which are usually confined to the other sex. In the British and National schools, girls' schools will fully equal those for boys, if the teaching is equally good, and that, though the time given to intellectual instruction is less: two hours daily being very properly devoted to needlework. In the lowest class of society, however, as represented by the girls in ragged and

* See *Transactions* 1865, p. 268, 357; 1868, p. 400.

reformatory schools, girls do not show the same intellectual capabilities as boys, or the same desire of acquiring knowledge; their minds have been dulled by the bad influences of the homes, in which they were little better than household drudges, while the boys have quickened their powers by the exciting circumstances of an out-door life.

It is true that after this age, unless in exceptional cases, the intellectual equality does not continue apparent, because the work of life generally carries forward the young man to further development, while in every grade of society the girl who has terminated her school-days, whether at sixteen in the higher classes, or between ten and eleven in the lower, is drawn into the vortex of society, or helps her family to earn her bread. While recent examinations would indicate that the intellectual possibilities of young ladies are equal to those of the other sex, how few are in a position to be able to develop these possibilities? This point is not however of great importance; "Were it established," says Lord Lyttelton truly, "the practical question of the range of female education depends on many considerations—physical, moral, and social, as well as intellectual." These are admirably developed by Dr. Hodgson, in his two lectures on the education of girls of the upper classes. Yet, giving on this occasion my personal experience, I would refer to the views which were developed by my revered father, the late Rev. Dr. Carpenter, in a work, entitled "Benefits of Education, Intellectual, Moral, and Physical," nearly fifty years ago. He shows throughout the importance of making the development of the faculties, habits of close observation and reasoning, and self-action, the object of all education, and so directing every study as to train the moral sense and raise the mind to the great Source of All. Hence, with close study of the classics, which present so wide a field of intellectual culture, and the mathematics, which prepare the mind for the study of high physical science, or for the definite work of life, he combined, even in very early years, natural history and physiology, leading to habits of observation; delight in the beauty of the works of God and their adaptation to the ends intended, and he so instilled the simple principles of physics, illustrated by actual experiment, that the minds of the young were prepared to make further advances in after life, or to receive, with intelligent interest, the marvellous discoveries which the progress of human intelligence opens to the view. In all this the education of the boy and the girl were not separated. Each had an equal need of the development of the powers bestowed by the Creator—each an equal claim. Hence he gave to his daughters the same advantages of education which were afforded to his sons and to the young gentlemen committed to his care. No part of that education have I felt to be superfluous to me, and most gratefully do I trace to him and to his influence, felt now as much as when a child, whatever means have been granted me of helping onwards my fellow-creatures.

While then, the means of intellectual and moral development should be afforded equally to boys and girls, the future social position and different nature of each must modify their general training. While the boy should be stimulated to athletic sports, to mechanical handicraft, and to independent action—the physical nature of the girl should be developed and strengthened with due regard to the delicacy of her frame; the culture of the athletic arts should preserve her powers from being over-taxed by intellectual exercise; she should be taught the mastery of the needle, that magic implement in the hands of the skilful housewife, and by becoming the helper of the mother, should prepare to be the presiding genius of the future home.

The fear is groundless that a good education will prevent the girl from devoting herself to those pursuits which are purely feminine, and which may make her a ministering spirit not only in her own family, but wherever sickness and sorrow call for help. Admirable women of the age just passed—Mrs. Fry, Mrs. Hannah More, Miss Elizabeth Carter, Mrs. Barbauld, Mrs. Baillic, Miss Edgeworth, Miss Aikin, Mrs. Austin, and many others, demonstrated to the world that the possession of rare intellectual gifts did not withdraw them from domestic life, or render them less truly feminine. Those whose lives in our own day bear a similar testimony, are so numerous, that it would be invidious to mention any; they desire not the world's praise. But Mrs. Somerville will ever be remembered as the glory of our sex, for she has proved that a woman can rise to the highest sphere of human knowledge, and still remain the loving devoted wife and mother; Florence Nightingale has shown us how masculine vigour may be so combined with feminine tenderness and sensibility as to carry out one of the noblest works of our day, while Miss Dix, of our sister country, has proved what a woman can do, by establishing a new principle in lunatic asylums, and organising a new system in the treatment of the mentally diseased.

Considering it then as granted that the female portion of the community has a direct claim to a full development of the powers bestowed by the Creator, and that a good education will not unfit her to discharge the duties of her own peculiar sphere, we may now venture to assert, without fear of contradiction, that she has not had, hitherto, a fair share of the educational effort of the country, and that it is most important to the community that she should receive it. The unwillingness which has hitherto existed to give to girls the advantages afforded to boys, is indicated by the manner in which ancient trusts, evidently intended originally for the education of both sexes, have been exclusively appropriated to men. The recent movements for the employment of women have revealed the want of true education, which is the real cause of the distress. While the cry of the multitudes of starving needlewomen wrung our hearts, it was not easy to find anyone who could perform first-class work. In many parts of England it is extremely difficult to obtain

the services of female servants, yet a movement is required to send off destitute young women to our colonies, because our workhouses have failed to give them such an education as to enable them to earn their living in England. In a higher sphere, the Queen's Institute for the Employment of Educated Women, which owed its origin to the visit of this Association to Dublin, revealed to its promoters the want of sound education in those who desired to obtain employment, and the Alexandra College there sprang up to supply that want.

But the want of a superior kind of female education is not yet generally felt in our country, or more efforts would be made by the higher classes to obtain it. Those possessed of pecuniary means generally endeavour to accomplish what they really desire. It is a higher standard of female education, which is one of the great needs of our country, and every effort to raise it is important, whether by lectures to ladies, public examinations, or ladies' colleges. While educated men are thus showing their desire that the other sex should share the advantages they possess, all women should give their warm co-operation.

Is there anything that Government can do in this matter?

In the public grants from the Committee of Council on Education to schools for the labouring and mechanic classes, the two sexes have been equally cared for, and the results have been equally satisfactory, and a system has been organised by Government to prepare a staff of good teachers, both male and female, by proper training and Normal colleges. Suitable books are selected and sold to the schools under inspection at reduced prices, and an art department has been organised which is acceptable to all.

In schools intended for a still lower grade of society, where the school has to take the place of the home, such as reformatories and industrial schools, equal attention is paid to the two sexes, and care is taken that these schools should be adapted to their respective wants.

Until lately, however, there has appeared, to be no need of help in the education of girls when position places them above the National and British Schools, and it is to be feared that the education such girls receive is of a very inferior quality, while the parents themselves are often too little educated even to perceive the deficiency. For the same class of boys there are good grammar schools and proprietary schools, not to speak of the endowed boarding schools, where an excellent education is obtained free, or for a small sum. For their sisters there is no means of intellectually raising their condition.

Now it is evident that Government money cannot be given to the existing schools for young ladies, and therefore no interference with the mode in which such schools are carried on can or ought to be attempted. It is possible, indeed, that if good public schools for young ladies were established, like those in the United States, and in some parts of the continent, they would not be frequented

by those for whom they are intended. But surely the Government might with great advantage aid in the training of suitable teachers without whom no good schools can exist. The low condition of many schools, and the employment of male teachers in ladies' schools and colleges, sufficiently demonstrates the existing need. The results of the Cambridge, and other examinations, sufficiently prove that if women were not only well taught, but properly qualified and trained to teach, they might make excellent instructors of the young.

Voluntary effort cannot cope with this matter. In the present state of public opinion it is found difficult to raise sufficient funds to establish one college where only ladies of good pecuniary means can receive instructions, and these would not be likely for the general good to subject themselves to the difficulty and self-denial of becoming teachers. There are at the same time in our country many ladies of respectable family, but of straitened means, who desire the means of increasing their narrowed income—multitudes of governesses, whose deficient education does not enable them to receive more than the most miserable pittance as a salary,—all these might, if properly trained and educated as teachers in a normal school adapted to a different position in society from those at present existing, make good teachers in young ladies' schools.

This, then, appears to me the grand desideratum, and one which should be supplied by Government to meet the wants of female education. If such normal training schools for lady teachers were established and well carried out, it would, I believe, produce a great effect on the state of education in the middle and superior classes of young ladies.

In connection with this should be examinations, and in these as well as in all other public examinations should be granted diplomas in one or more subjects. This would not only be a great stimulus to a high standard of education, but would be a security to parents that those to whom they commit the education of their daughters are at any rate well instructed themselves.

It has been impossible even to touch, in this brief paper, on many subjects connected with female education, which appear to me of great importance, or on those relating to the present position of women in society. On this last subject, the recent work of John Stuart Mill, would render it unwise in me here to express an opinion, and I would conclude by urging those of my own sex earnestly and zealously to employ all the talents committed to their care, well assured that they will thus find ample scope for beneficial effort to themselves and others, and have the happy consciousness each one of hearing the desired commendation "She hath done what she could."

A paper by Miss DOROTHEA BEALE, of the Ladies' College, Cheltenham, was read "On the Formation of an Educational Loan Society." The object of the paper, said the writer, is to hinder the growth of a class of pauper governesses: for if it be an evil, that a labourer, or

pauper, lose the spirit of honest labour and independence, that evil is multiplied manifold, when the teachers of the young, whether clerical or lay, whether by example or precept, fail to inculcate the duty of making, as far as possible, in some form or other, a return for everything received, of putting out each talent to the exchangers, of rendering "both thanks and use." If they fail to teach the dishonesty of indolent dependence, still there is a kind of help that fellow-labourers may gladly give and accept. We might well advance money to a discoverer for his inventions, to a labourer for his tools, to an emigrant for his voyage, to a workwoman for her machine; this is surely, whilst health and strength remain, better than gifts of food or clothing. Such gifts as these should be reserved, for the disabled, for the wounded in the battle of life, and so I am about to propose a benevolent society, which shall give away nothing, but shall offer to the future governess temporary help in preparing for her profession—help which she shall be bound in honour to pass on to others, when she has ceased to need it herself—help which she would be required to spend, not in obtaining merely showy accomplishments, but real education.

I propose, then, a new benevolent society for this object—a society, which I wish to be distinguished from others, by its rigid adherence to the principle of giving away nothing. My attention has been drawn to the subject by the number of cases that have, from time to time, come before me of girls partially educated, who have been suddenly and unexpectedly thrown upon their own resources. For a boy of moderate ability there are scholarships and endowments enough and to spare, endowments so rich that instead of helping they have tended to enervate,* and some have even traced a part of the clerical misery, of which we hear so much, to the spirit of dependence fostered by these old endowments, and by social ties which stipulate not that a curate should do his work well, but that he should do no other work. I fear some will shake their heads, and think of the fox and the sour grapes when I say I do not want such endowments for girls. But we do need for them more help than is now obtainable. Unless they are the daughters of clergymen, I have found it most difficult to obtain assistance, although it might be such assistance as would make them independent for life. It is possible, in some cases, to seek admission into schools for officers' daughters, or into orphan asylums, but much precious time that can never be recovered, is often lost before admission is gained, and then the education is not perhaps such as to enable a girl to make herself independent. Besides, though the means of a family may be so reduced as to make it impossible to do more than provide the necessaries of life, it does not follow that that family is in a position to ask or desire board, and lodging, and clothing, in addition to education. The girl might continue to live with her

* See Paper by Rev. Mark Pattison, on University Reform. *Transactions*, 1838, p. 385.

mother, and obtain, perhaps, in the neighbourhood good teaching if only there were some little help given towards paying school fees; for want of this, all systematic education is often stopped, a few music lessons are obtained, and the daughters become governesses upon a miserable salary, which is more than proportioned to their services; and at last they swell the lists of the Governesses' Benevolent Institution.

One of the objects of this society then should be, to give timely help to those who need it, that they may be placed in a position, to secure an honourable independence.

First, I would premise that there should be no paid secretary, no public offices. There should be in a great many places local secretaries, whose duty it would be to collect subscriptions, enquire into applications made to the Society, and form, if necessary, a local committee.

I believe that in a great many cases, the help which is given in Orphan Asylums, &c., would be much better lent, for more cases might thus be assisted; what is required at one time, ought not to be retained, when it is no longer wanted. Under such circumstances the gift should be regarded as a loan, and returned. Many applications will of course be rejected at once.

Either the want of intelligence, or unsuitability of character, or defect of early teaching, or weak health, &c., would make it improbable that money invested thus, would afford a good return. In such cases the secretary would perhaps be able to offer some advice, or refer the applicant to the Society for the Employment of Women.

We must next consider what control the Society must exercise over the money advanced, and in what way it should be expended. The Society should not, I think, lay out thousands in buildings. It should not originate magnificent schemes; it should make use of existing schools, when they have shown themselves worthy of patronage. If the applicant can remain in her home, and attend a day-school, the expense of a boarding-school might be spared, and in every case, the funds should be judiciously economised. There must be however, full security that the money is properly expended.

The candidate should be required, to pay to the credit of the Society the amount of income available for educational purposes, and the Society would supplement this. She would then be at liberty to choose (under certain restrictions) any school on the Society's list. For this purpose a register should be kept of those schools which have proved their efficiency by submitting to satisfactory tests of examination and inspection. As soon as the provisions of the proposed Educational Council are carried out, a special register would cease to be necessary. There should also be printed the inclusive terms, for which such schools would receive a pupil placed by the Society; from these lists, guardians might choose, and the Society would become responsible for payments. To stand on this list, would, I believe, become an object of ambition amongst schools, and this would also tend to improve the teaching.

The grant should not be given as scholarships are, for a long term, but for one year only.

Then a satisfactory report should be required from the school, and if possible, testimony obtained from an independent examiner, that the pupil is by her diligence setting a good example, and doing well. The same plan should be continued year by year.

It should be expected that the pupil be prepared to pass certain recognised examinations at the close of her school course.

I believe that in most cases, the money expended thus in aid of education, would in time return to the funds of the Society, so that with a moderate number of subscriptions in the first instance, a large amount of capital would be available in a few years.

If the money should be in any case lost, in consequence of death, or a want of honourable feeling, the Society would not be in a worse position than are those which profess to give, and allowance must be made for a fair proportion of such cases.

The return should not be exacted, while the income of an elder sister was being applied to help on younger ones, to support a parent, &c., &c. Each case as I have said, should be specially considered.

A register should be kept of those who have received help, and I believe there would be no difficulty in obtaining for them situations, should they have passed through their school course with credit.

The Society might also promote examinations, and thereby sounder education, by advancing to schools or individuals, the fees required for proper examinations.

It should assist in forming centres, and making suitable arrangements for the board of those who go to different centres for examination. How far it might help in improving buildings and apparatus I am not prepared to say. This would doubtless become clear only after operations had begun. Still it does strike one as anomalous, that asylums and national schools should have rooms and appliances so superior to those of schools for the higher classes, and I believe this might, by concerted action, by purchase of suitable buildings as investments, be remedied.

The proposed Society might be called, Ladies' Auxiliary Educational Association. It would partake of the nature of a building and a loan society. It would resemble in some respects the National Society, and in others, some of those charitable associations, which originate no institutions, but assist, by grants, institutions established to promote their objects. How far museums, lectures, and normal colleges might hereafter form part of the scheme, one could hardly say; but I should advocate that the operations be at first very limited, and that there be rigid economy in the distribution of funds; the more carefully these are managed, the more good would the association be able to do.

Should any think the scheme worth consideration, I shall be happy to receive communications on the subject; especially to receive suggestions on the mode of choosing candidates. There are many

objections to the popular elections, where canvassing carries the day, and I incline to the plan of selection by a committee.

MR. WHATELEY COOKE TAYLOR read a paper "On the Separation of the Sexes in Education." * The object of the paper was to advocate "a more general admixture and more intimate association in education." Separate education is "a fertile source of failure in our social system." The enquiry is divided into three branches. (1st.) What is gained by educating the sexes apart? (2nd.) What is lost by so doing? (3rd.) What would be lost and what gained by educating them together? The alleged gains of separate education are these:—it is said that by being educated apart, each sex can devote itself better to gaining a knowledge of the things most fitted to its future sphere of action in life; and that they will be less exposed to the dangers of early moral contamination or ill-considered attachments. These alleged gains are answered in detail. It is said that the proper sphere for which women should be educated is to be "wives and mothers," but "for which of the duties of motherhood or wifedom" are the accomplishments taught in exclusively female schools "necessarily preparatory?" Moreover all women are not destined to be wives and mothers. It is argued, therefore, that since separate education has not done, and is not doing, what it was professedly instituted to do, this argument in its favour must be abandoned. As regards the other assertions, they are unsupported by proof, and both analogy and experience are against them; testimony is quoted in support of this, and common observation appealed to, all leading to the conclusion, it is asserted, that the influences of the sexes on each other in education is "to stimulate both," that marriages occur more seldom between those educated together than those educated apart, and that morals are in no wise endangered. (2nd.) What is lost by educating the sexes apart? There is this obvious loss, that many more schools are required with many more teachers, and that therefore general education is obtained at an immensely increased cost. (3rd.) What would be lost and what gained by educating them together? What would be lost is what would be known in social intercourse as "shyness." Young people being brought up together, and taught to take interest in the same thing, would not have to take refuge in "the gymnastics of the ballroom" from the want of a common subject of interest in conversation. What would be gained would be a more rational relationship between the sexes, a better understanding of each other, a better education for women and all that would accrue of good to the State from having all its citizens furnished with the implements of knowledge instead of only one half. Young women would not seek to please men by flattering their more vulgar tastes, and imitating the manners of the least reputable of their sex, but would exert themselves towards their moral

* This paper is printed at length in the "Victoria Magazine" for December, 1869.

elevation and with better success. The power of women in the present day is an increasing power, and the question for men is, shall it be exercised for good or evil? In common education the surest guarantee is given of their harmonious action and mutual advance.

DISCUSSION.

The PRESIDENT, previous to the commencement of the discussion on the papers, read the following extract from a letter from the Rev. Professor F. D. MAURICE : "One subject is much on my mind, which I should have tried to speak of if I had been with you ; perhaps you will introduce it, or tempt some other person to do so. I do not know any man who has seriously thought of our present examination system who does not feel that it is undermining the physical, intellectual, and moral life of young men, and that it may do this with even more terrible effect for girls if they are admitted, as of course they should be, to all the privileges of the other sex. You must be aware of all the degrading talk about what will pay in an examination which is heard at the universities. You must know well that noble intellects which crave for a free culture are dwarfed by the notion that what they have read and thought is not to be tested and ascertained by the questions of wiser men, but that they are to read and think simply with a view to the questions. You know how parents and physicians alike groan over the loss of physical energy and the shattering of the nerves which they see in young men who have either succeeded or failed in their trials. And what is the reward? A writer in the *Cambridge University Gazette*, who possesses considerable experience, declared the other day that he could not get men to take any interest in Shakespeare unless there was a competitive examination in him, with a Tripos list. It is to this state of things that we are coming. And, for the girls, will any of the accomplished medical men in the city where Beddoes preached so grandly sixty years ago about the tortures of female schools, justify the use of these racks for the limbs of daughters as well as sons? As far as they have yet gone, I believe the examinations to which they have been submitted have been merely honest tests of what they know, without the straining of competition. That, I am satisfied, will be the case at Cambridge while Mr. Markby conducts the arrangements of them. But I do tremble lest the desire for equality should lead to their being equalled with us in fate more than in renown. I am rejoiced indeed to find that Miss Wolstenholme, in her excellent essay on the education of girls, demands chiefly guidance as to the way of learning and teaching, a guidance which, as she well observes, may be obtained from lectures by experienced men—which, I hope, she does not expect from competitive examination. The disease is becoming

a very serious one. I can get no one to think of it seriously enough, or to suggest any remedy ; so it goes on increasing, people deciding generally with a shrug, that it is a 'necessary evil.' I believe the Social Science Association exists to fight against 'necessary evils.' May I press this one upon its members? Some of them may see their way about it far more clearly than I see mine. If you will only bring it under their notice I am sure you will do good. I prefer writing a letter to elaborating a formal essay ; but I cannot say how much the matter presses on my conscience."

After reading the letter, the Rev. CANON KINGSLEY said : I entreat those who are advocating the higher education of girls—and no one advocates it more intensely than I do—to consider very seriously the material with which they have to deal. I beg them to remember, what many have not remembered, that you have to deal with a material infinitely delicate, which it is very easy to warp and to break. Those who advocate a similar education for boys and girls may be, and are in the long run, right and just in what they wish for, but they must recollect there is some difference between a boy and a girl, as there is between a cart horse and a race horse, between English heart of oak and delicate spun glass. If you adopt for both the same method of teaching, you will produce very different effects, just as you would if you handled heart of oak and spun glass in the same way. The great danger to be feared for girls is, that they will overwork themselves. I have not carefully studied the history of woman in all ages without learning the fact that there is in woman a power of self-sacrifice which enables her to make as great a fool of herself if she is led wrongly, as it makes her divine if she is led aright ; that there is in her physical organisation a power of defrauding herself of sleep, of food, and of exercise, until it affects her constitution, and may, year after year, lay the foundation of disease. It is this power of physical self-sacrifice which has in every age made woman the dupe and tool of quacks and priests, which has destroyed again and again the noblest female intellects and the loveliest female forms, by making them the victims of asceticism and superstition. I fear, unless there is very wise guidance in this movement, we may have fanaticism, not of asceticism or superstition, but of intellectual excitement and intellectual rivalry, springing up among girls, that may have serious influence on the health of the less gifted. The class of women and girls who will come to these new colleges and examinations will be just the very class of excitable, earnest, patient, imaginative intellects, who will be most likely to injure their health in pursuit of knowledge, which they will probably find they will not be able to use in after life because they have worn themselves out in attaining it. Therefore, I warn you solemnly, if this movement for the higher culture of women goes on, as I hope to God it may, it will necessitate side by side with it a movement for the hygiene and the gymnastics of women. We must have the *mens sana in corpore sano*. You cannot have a man's mind sound unless his body is sound, and every physiologist knows that with woman that is far more true and important. To every woman's college there ought to be attached what I should call an officer of hygiene—a person thoroughly acquainted with the laws of health, and able, not only to superintend the health of the pupils, but to teach the pupils themselves the laws of health, as far as they will affect their own health during their own education, and as far as they will affect them when they have become wives and mothers. Although it cannot be so at first, I hold that ultimately that officer of health ought to be a woman. I should like to see lady doctors attached to every great ladies' college, and every properly registered ladies' school subject to inspection.

The Rev. Dr. RICE, felt that Mr. Taylor's paper was somewhat one-sided. From experience he believed it an excellent thing, to educate boys and girls together, under proper guards, up to the age of fourteen or fifteen, but after that age he thought it would be undesirable. The paper indicated no conditions, and if it were fully carried out there would be an end to boarding schools, unless they were established for boys and girls in common. The paper seemed to point to the time, the speedy attainment of which was most

desirable, when all education should be conducted partly in the school and partly at home, so that home influences, which were a most important part of education, should be perpetual. Up to a certain age, school influence should be common to both sexes, but when you have young men and young women in a class you cannot have that freedom of expression which is possible with younger persons. Seeing that the destinations and occupations of men and women were different, and that there was also that distinction between them which had been pointed out by the chairman, the conclusion seemed to be that the education not of the sexes should be based solely on their points of equality and resemblance. Whilst Mr. Taylor's paper presented one side of a truth, there was another side, not contrary or opposed, but complementary to it, which needed also to be presented with it. As regards the association of the sexes in mills, his experience did not lead him to the same conclusion as that indicated by Mr. Taylor. It was perfectly true women corrupted girls, but what had been the history of the women who did so? He had lived eight years in Lancashire, and any one who knew it intimately must be aware that man played the master part in corrupting the population.

Miss CARPENTER said it was most gratifying to find wise and good men showing such deep interest in the true education of women. It was desirable to bring the two sexes into natural and easy relation with each other; yet forty years' experience satisfied her that it would be a most injurious and highly dangerous thing to carry out fully the views of Mr. Taylor. Before she began the education of young ladies she used to assist her father in his school for young gentlemen, and therefore she was conversant with the education of boys and girls. Indeed she was educated with the young gentlemen and therefore she had one advantage advocated by Mr. Taylor, but it was under peculiar circumstances, and in the parental home. The family were allowed to associate generally with the young gentlemen, but only under those circumstances which prevented any foolish nonsense. She had seen a well-conducted school in which young ladies and gentlemen were taught together; that was the Friends' School near Warrington; but although the boys and girls were together in school and at meals, they were lodged in different parts of the building, were allotted separate parts of the playground, and were under the surveillance of an excellent gentleman and lady who understood what was right, and who gave a good tone to the institution. Excellent as this school was in itself, it could hardly be taken as a fair example of what mixed schools generally would be. Extreme seclusion was undesirable, and it was evidently the order of Providence that boy and girls should be admitted to intercourse with each other in the family circle, where they came together as brothers and sisters.

Dr. HOBSON referred to his own efforts to make physiology a part of education, and to the omission of it from the curriculum of the new ladies' college at Hitchin, contending that it was not enough to surround the pupil with healthy and sanitary influences. The President of the Health Section used a phrase which ought to linger in the memory—it was "hygienic righteousness." It was unfortunate we had inherited so much of that ascetic philosophy which drew a distinction between the mind and the body, and which taught us to elevate the one at the expense of the other. That such papers as Dr. Lankester's* were needed was shewn again by what had happened at the London Institution, in Finsbury Circus. A course of lectures had been started to qualify teachers for conducting classes in physical science; the course embraced geography, botany, and chemistry; but why begin with the things furthest removed from us? It would have been wise to have postponed the subjects named, until the students had acquired a knowledge of the structure of their own bodies, and of the conditions upon which the health of body and mind depend. We ought to banish entirely the fear which haunts men, especially those religiously disposed, that this is a teaching that savours of materialism; and we ought not to shrink from the conclusion that the mind and the body are practically united, and ought not in education to be separated. The education of women and men ought to be, in their essentials, precisely alike; and the education of one was quite as important as that of the other. What should we say if we were told that the salvation of a female soul was of less importance than the salva-

* Dr. Lankester's paper is given on p. 376.

tion of a male soul? He did not think the question of comparative importance ought to be entertained; it was, however, forced upon us; and supposing there was a difference, he maintained that it was in favour of the women, because upon them depends the instruction of the men. A humorous lawyer once wrote, instead of "know all men by these presents," "know one woman by these presents," because, he said, if one woman knew, all men would of course come to know; and what the lawyer said as a joke might be said in serious earnestness, for the instruction conveyed to woman would naturally be imparted to man. It was said that women were destined to be wives and mothers; was it not equally true that men were destined to be husbands and fathers? And if destiny was to limit the education of one sex, why not that of the other? In opposition to the domestic duties which were the speciality of one, he would refer to the professional or business avocations, which were the speciality of the other; these were the two things to be contrasted, and the ground that was common to both was that intellectual culture which had hitherto been confined to one sex and denied to the other. It was true we ought not to live for ourselves, but for each other; and we could live for each other in no way better than by developing our own powers, and by that means becoming able to render greater services to others. He was very sorry to differ from his revered friend, M^{rs} Carpenter, but he did not think it undesirable that the two sexes should be educated together. It was of the utmost importance that they should, as far as possible, be educated together. The present separate system was enormously wasteful; there was great difficulty in raising funds; and one cause of extra expense was, the necessity for separate schools, which might be largely saved under a united system. The present system produced frivolity on one side and coarseness on the other. Boarding-schools were at the best a necessary evil, for the true ideal of education was the blending of domestic influences with those of the school. Mr. Taylor did not propose their immediate abolition, but he laid down a principle inconsistent with that of boarding-schools, trusting that, as it came to be recognised, so everything incompatible with it would pass away.

Mr. HASTINGS, in the unavoidable absence of Miss Emily Davies, and as a member of the Executive Committee of the Ladies' college, wished to say that its object was to afford to girls above the age of eighteen an opportunity of carrying on their studies as men did at the Universities and Colleges. He was convinced that until such a college was at work it was impossible to bring female education up to the point to which it ought to be raised; it could not embrace the higher branches of education if girls were to leave school earlier than men without having colleges to go to. Therefore he commended this College to all interested in the work of female education—to those who could contribute to its funds, and to those who desired that their daughters should receive a first-rate education. With regard to the omission of physiology from the curriculum, he would use his influence as a member of the Committee to have it introduced; but it must be remembered that the establishment of the College had provoked criticism and opposition, and it was not to be wondered at that the Committee, in their anxiety to limit the curriculum, kept out a subject not usually introduced. As it was, a public journal, favourable to the cause of the education of women, made merry over the prospect originally put out, in respect of the vast number of subjects which were included in the curriculum. Until the education of women received more public support it was necessary for the conductors of the College to be cautious in provoking opposition. He asked the earnest support of an enlightened public opinion in favour of a movement which had most determined opponents, who by their own cleverness and accomplishments were able to make their opposition exceedingly formidable in the eyes of the public.

Mr. MYERS (Trinity College, Cambridge), said that for some time Cambridge University had examined boys and girls under eighteen in the same subjects. There were many who felt it would be desirable to have an examination for young women over eighteen, and as complaints were often received from those who had passed the age, that they did not think of it at the time, a new examination had been started for women above eighteen. The first came off in July; thirty-six went in, and twenty-four passed. The examination had been arranged with a view to discourage overwork and cramming. It was necessary to pass in certain

groups of subjects before going in for others, and a young woman might take separate groups in succeeding years. Certificates of merit were given, but names were not arranged in order, and lists were not published. The object was to furnish young women with certificates of their proficiency in the subjects they wished to teach, and to afford a stimulus to private students and ladies reading at home. The first examination had been taken advantage of by several ladies who had no intention of teaching, and who merely wished to have their knowledge tested. The curriculum at Cambridge had not been sufficiently extended to enable it to examine women above eighteen in the same way as men. Women ought to obtain a share in any of the advantages to be derived under the Endowed Schools Act. Owen's College, at Manchester, must soon have a new charter, and it was proposed to extend its advantages to women, which could not be done under the existing charter. Classes for women which were already in existence would strengthen the claim on Parliament, which, like Providence, helps those who help themselves. In this way he expected to see history repeating itself in the formation of universities in many English towns.

Mr. WADDINGTON (Inspector of Schools), speaking of the increased attention to sanitary matters which would be promoted by a knowledge of physiology, appealed to all present to say whether they did all in their power to carry out sanitary arrangements in their houses, and asked whether such arrangements were not too much neglected, even by the most intelligent and even among the higher classes. Was the simple matter of ventilation attended to? In half the schools he entered ventilation was bad, and it was good in only one out of ten. In the principal hall of a training college, built within the last ten years, the highest outlets for air were the windows, which were twenty feet from the crown of the ceiling, and when he was conducting an examination of 100 girls in this room, two of them fainted during one forenoon. To show how ladies might carry on their own education he described a plan adopted by some Dorsetshire ladies, who met in London for a week, taking a house for the purpose, attended lectures by professors, settled a course of study for a year, and competed for small prizes for the best abstracts of books, the best drawings from nature, and the best collection of dried plants. This plan had been tried for two years, and had succeeded well.

Miss FAIRFELL spoke in approval of Miss Beale's proposal.

The Rev. B. LAMBERT, wished to mention two facts which had a bearing on Mr. Cooke Taylor's paper. At Stepney there was a large district school for the parishes of Stepney and St. George-in-the-East. At one time when there was a high wall between the playground for the boys and that for the girls, there was a constant interchange of *billets doux*, which were thrown over the wall, which the master found it difficult to check. At his suggestion a railing was substituted for the wall, and the communication between the two play-grounds ceased. The lectures at the London Institution seemed to be a good instance of the teaching of boys and girls together, and the results, as tested by subsequent examination, were these.—First, a girl; second, a girl; third, a boy; and fourth, a boy and a girl equal. In many Sunday-schools, boys and girls were taught together, without any evil result.

This being the last day for the meeting of sections, a vote of thanks to the Rev. Canon Kingsley, for his presidency, was moved by the Rev. William Arthur, seconded by the Rev. Canon Norris, and carried by acclamation.

NATIONAL EDUCATION.

National Education. By HORACE MANN.

RUMOUR has asserted that the session of 1870 will be mainly occupied with the question of popular education, and even ministerial lips have dropped half-promises to this effect.

Most devoutly is it to be hoped that these authorities have misinformed us; for, in most cases, precipitate legislation is worse than no legislation; and this is eminently one of such cases. The very importance of the question is a reason for deliberation; for, while it

is impossible to exaggerate the far-reaching effects of a comprehensive measure, the character of these effects must depend upon the principles on which the measure is based; and the future of England may be influenced much less by the quantity of education provided than by the nature of the system which provides it.

Now, it is just here that we are in danger of legislating with "raw haste, half-sister to delay," and of hindering, by premature, imperfect, compromising measures, that settlement of the question which alone can be satisfactory and final.

That a large measure, of some kind, must, sooner or later, be carried out, I by no means dispute. The existing arrangements, it is evident, cannot much longer endure. The public mind is prepared for extensive changes; though it is far from having determined what those changes are to be. There is a vague desire to supersede the present composite contrivance by a national system; but there is no very definite notion of what a national system is. The most common conception of it seems to be, that it is a plan for supporting schools for the children of the labouring classes out of local rates. But if, as seems likely, immediate legislation implies the acceptance by the Legislature of this notion of a national system, it may be worth while to ask whether promptitude, with this partial and in some respects objectionable result, is not less desirable than delay with the prospect of a different and better issue. A bird in the bush is sometimes worth two in the hand.

What is pre-eminently necessary in any general system of education is, that it should be perfectly consistent with the self-respect of all the self-supporting classes of the community. No class, above the grade of the pauper-class, should be dependent—or, at all events, consciously dependent upon charity for the education of its children, any more than for their food and clothing. Whatever, might be the immediate benefit, in the shape of more diffused instruction than would otherwise have existed, this advantage, would but very poorly compensate for the loss of the vigorous qualities which charity seldom fails to extinguish in those who, without necessity, accept her bounty. The amount of strength, material and moral, which a nation loses by the presence in her midst of a pauperised, in addition to a pauper-class, can hardly be exaggerated. As long, indeed, as work is done and the workhouse avoided, the sense of national loss may not be realised; but a moment's thought must suffice to show the enormous difference of worth in, the men themselves and in the results of their labour, between a mechanically-working, unaspiring multitude, accustomed to be helped, and the same class, filled with the proper pride of independence, working with the energy and enterprise, and living with the providence and thrift, which such a sentiment creates.

If this be so, it is evident that the system, or no-system, upon which the education of the mass of the community has been provided hitherto, is, on this point, fatally defective. Not fewer, it appears, than 1,450,000 children, were in the year 1868, receiving their

education in schools aided by grants from the Government ; and to these may, no doubt, be added a considerable number in schools, assisted by private persons without help from the State. It may therefore be computed that nearly, if not quite, three-fourths of the population of England and Wales are thus receiving assistance from the other fourth. And this must be the aspect of the case in the eyes of the people themselves ; for it cannot be supposed that, by exacting a fee of 1*d.* or 2*d.* per child, per week, we delude the parents into the belief that they defray the cost of their children's education. They have, on the contrary, a clear conviction that they are getting aid in discharging this part of their obligations from benevolent persons or a benevolent State ; and the pity is that they are quite content to have it so. What wonder, then, can be felt at the huge dimensions of our absolute pauper-class, or at the pauperised spirit of the class immediately above ? What wonder if the "lower ten million" of our population suffer by comparison with the corresponding classes in America, and in some European States ? Other circumstances may, no doubt, assist to make the "masses" of our countrymen less thoughtful, well informed, and self respecting than their brethren across the water ; but a prominent, if not the foremost, place amongst the causes of this inferiority must, I venture to think, be conceded to the habit of dependence so effectually taught them with the daily lessons of the "aided" school.

It is obvious, when we think about it, that we have, in regular English fashion, "drifted" into this position. There has been no deliberate intention of relieving the majority of the fathers in the country, from the burden of parental duties. To some, perhaps, there may have been "a secret sweetness" in the prospect of a "lower order," thus dependent on a higher, and likely therefore to preserve a deferential bearing towards its rulers in the Church and State ; but undoubtedly, the main actuating motives have been pure benevolence and the sense of Christian duty, impelling both private persons and the body-corporate to supply in this way a want which seemed unlikely to be supplied in any other way. Accordingly, for a long time the schools, assisted, whether by individuals or by the State, were intended for the indigent classes only—for those who really could not afford to pay for the education of their families ; and even as to these the practice was in many cases defended by the theory that the aid extended was but temporary, and that after a little time the helping hand might be withdrawn and parental obligation be admitted and discharged. This theory, however, it is clear, has now been given up. Even the pure voluntary party, which most fondly cherished this lofty, if impossible, ideal, has at length abandoned a position which the rush of circumstances, more perhaps than force of argument, has made untenable. Gradually the circle which defined the assisted and assumed-to-be-needy classes has expanded, until now, as we have seen, it includes well-nigh three quarters of the population, and there is no longer any pretence for believing that the aided schools, are schools for the poor alone.

Having, however, drifted into this position, we must make the best of it. We certainly shall not drift back. It is almost certain that we shall either drift or intentionally voyage further in the same direction. The impulse is indeed so strong that a high authority, by no means prone to extravagant outlay of the public income, says—"There is no sacrifice, either of money or prejudice, or feeling, we should not submit to rather than allow a generation to grow up in ignorance, in whose hands are reposed the destinies of the nation."* But if, as may be readily allowed, this is perfectly true, it is, nevertheless, equally true that no sacrifice of money would be more utterly wasted than one which should purchase the propagation of the alphabet, and the spread of the multiplication table, at the price of a people's moral degradation. If it is necessary, that we should "teach our masters their letters," it is tenfold more essential that we should train our masters to be men, or at least not train them to be children. Yet, both the present plan and the supplementary project which seems most in vogue are really nothing else than "a gigantic system of out-door relief" to these lords of our destiny, and cannot, in the shape in which they are offered, be regarded by the recipients in any other light.

The problem, then, is—given, an irresistible tendency in the public mind towards a system which shall involve a still larger outlay from the public purse for the education of the manual-labour classes—how to create such a system as shall not demoralise the people by relieving, or appearing to relieve, them from their natural obligations towards their offspring—obligations which multitudes, at least, of them could easily discharge at the cost of sundry pipes of tobacco and pints of beer. Upon this, I venture to suggest, for consideration, whether, as we have advanced so far, and are unable to recede, the only possible solution now, is not this—that we should advance to the only logical resting-place, and regard the whole education of the community, upper, middle, lower sections, all together, as a task to be accomplished jointly instead of severally—by the co-operation of the whole body, rather than by the individual efforts, aided or unaided, of each member. The time has surely arrived for perceiving that there is now no stopping short of this. Having reached the position that nearly three-fourths of the people are more or less helped in the performance of this duty, the inquiry is inevitable; "Why should they, or the greater part of them, be helped any more than the other fourth?" Would it not be by far the best course to say that neither the three-fourths nor the one-fourth shall be *helped*, but that all shall receive the benefit of a common provision, made, through the medium of appropriate taxation, at the cost of all? Cannot we thus get rid of the depressing notion of charitable assistance, and substitute for it the inspiring notion of united effort! Supposing that the State, instead of contributing a portion only of the cost of

* Address of Right Hon. Robert Lowe, M.P., at Edinburgh, November 1 1867.

schools, were to bear the entire burden ; would not the eleemosynary look of popular education disappear ? At present, this feature of the system is too obvious to be for a moment lost sight of. What with the double charity of subscribers and the Privy Council, no parent who sends his child to an aided school, can escape from the consciousness of obligation, nor from the enervation which this consciousness involves. It would not be so—perhaps, not even in fact, but certainly not in the popular fancy—when it could be said that all the schools were maintained entirely from public taxes, to which all contribute, and from other public funds ; *i.e.* with the money of the people themselves. It is unnecessary now to state the grounds upon which it may be held that in this way the workman-classes would be really paying their fair share of the common cost. The more important point is whether they would believe that they were doing so. It is this conviction on the subject that needs to be changed ; and, if this can be done, it matters comparatively little whether it can be demonstrated that their conviction is based on fact. “ If there were not a God,” said Robespierre, “ it would be necessary to invent one,” and in like manner, even if it could not be maintained (as I assume it could) that, under a national system, the people would be actually paying for their own education, it would be advisable to believe that they were. At all events, it will be time enough to prove the equity of such a system, when the charge of unfairness is preferred against it ; and in the meantime, we may rest content with the certainty, that to place the whole burden upon the public, offers, more than does any other plan, support to the assumption of a universal contribution.

But, if this change in the popular sentiment is to be accomplished, two things are plainly essential. (1.) The cost of education must be defrayed out of general taxation, and other general sources, not out of local rates ; and, (2.) The legislation on the subject must apply equally to all classes of the community, and not to the workman class alone.

(1.) A system based on local rates is incompatible with the feeling of independence, which is assumed to be desirable, partly because local rating, in this country at all events, is tainted by an overpowering odour of pauperism ; from which many years would fail to deodorise it, and partly because, as local rates are levied on a portion only of the population, and cannot be made to reach the whole,* the theory of universal contribution to the cost of education would be every day receiving an obtrusive practical contradiction. It may be quite true that in America and Prussia local rates are not felt to be

* The idea of a poll-tax has, I am aware, been started ; but it needs not the ghost of Wat Tyler to prove the impracticability of such an impost. Even if it could be levied, it could not be equitably adjusted to the varying conditions of the contributors. It is true that under no plan can a perfect adjustment be made, so that the barren should not pay for the fruitful, or the bachelor be mulcted beyond his demerits, but it may be safely said that the burden would be more equitably distributed if placed upon the “ Queen’s taxes ” than if charged in any other way.

inconsistent with the sense of freedom from charity. The reason may be found in the history and special features of the law in these countries. The effect of such a plan in England must be judged with reference to English history and English notions on the subject; and there seems to be little room for doubting that a school rate would be associated in the popular imagination with the rate for the relief of the poor. The property on which local rates are levied has been estimated at only 80,000,000*l.* or 90,000,000*l.*, while the property subject to general taxation is computed at upwards of 550,000,000*l.* I do not vouch for the precise accuracy of these figures; but the difference, at all events, is enough to impress even the mass of the population with the conviction that schools provided from the former source would be provided by one section of the community for the benefit of another section. This would not be the case if the cost were defrayed out of the Consolidated Fund. The workman could tell himself, or be told by others, that in the price of every pint of beer, or pipe of tobacco, or pound of tea and sugar, he was paying his contribution to the general education fund. So, when the principle of compulsion is advocated, it should be remembered that the only sensible form of compulsion upon a man who can afford to pay for his children's education is to compel him to pay for it, not to compel him to receive it for nothing, at other people's expense; and that this preferable form of compulsion could be applied if national, but not if local, taxation were resorted to.

But it is still more important that, when legislation is undertaken, it should cover the whole field of society, and not be applied to the lower section only. An Act of Parliament with a preamble that it is desirable to provide from the public funds for the instruction of "the children of persons engaged in manual labour," or for the same class described under any synonymous title, would be fatal to the hope of elevating this class from its subservient condition, and infusing into it the stimulating sense of independence. It is somewhat singular how imperfect is, in many quarters, the appreciation of what must be the effect, if it was not the object, of a democratic Reform Bill. The tendency—it may be said the beneficial tendency—of recent changes is towards a fusion of the different orders of society wherever fusion is possible; but sectional legislation, upon this supremely important subject, would amount to an attempt to hinder the movement in this direction, and to petrify into permanence existing class distinctions. It is surely not too much to hope that such a disaster may be avoided, and that in this age of heroic remedies the Bill for promoting national education may embrace within its scope all classes of the nation—providing the community with various grades of schools and colleges, rather than providing schools and colleges for various grades of the community.*

* A part of the education of the wealthier classes is, no doubt, already provided out of public funds, in the case of the universities and the endowed schools. But more than this is necessary if all the self-supporting classes are to be dealt with

"Practical obstacles" would probably be urged against this policy, but practical obstacles are in general the creatures of imagination. It would not be more difficult to reorganise our educational establishments than to transform an Established Church : nor is the object less worthy of the effort. The question of expense need hardly trouble us ; the requisite ways and means would readily enough be found, if the nation were resolved to incur the additional burden, which, after all, might prove much lighter than at first sight appears. For, in the first place, there is the modern doctrine that "new expenditure must be met by new economies," from which, with a little more pressure on the military services, we may expect a handsome contribution towards the education estimate. In the second place, all educational endowments would, of course, form part of the general funds, as would also such other endowments as Parliament from time to time might find it expedient to divert from their original destination. Under a plan of local rating, the appropriation of such windfalls to educational purposes would be much more difficult. As to "local self-government," there would be plenty of scope for local energy in the management, apart from the support, of the schools, and a much better board of education might be hoped for if the electors had simply to inquire who are the men best qualified to govern ? than if the ratepayers had to ask themselves who are most likely to keep down the rates ? The risk of extravagance would be effectually met by the modern machinery of inspection, aided by the check of "payment for results," while the greater risk of local niggardliness would be altogether averted.* Then, too, it cannot but be admitted that the reasons formerly existing for jealousy of the central power have lost very much of their force since 1867, and that in the renovated House of Commons the feelings and ideas of the mass of the community find much more faithful representation than they would generally find in local boards or vestries.

But even if the obstacles to a truly national system were more and greater than they seem, the end to be gained would amply repay all the cost and labour of surmounting them. And to stop short of this end now, may only entail upon us double cost and labour hereafter ; for it would be vain to imagine that the country will be permanently satisfied with anything less than this. Years of local squabbling may intervene, but to this we must come at last. There was much to be said, in years gone by, for the theory of individual

on the footing of equality. Direct provision from the annual revenue should be made for the secondary and the higher, as well as for the primary education of the country ; and all should be provided for in the same Act of Parliament. This need not, of course, prevent the existence of private schools, which in the United States are found to flourish alongside of the common schools.

* In America it is found that local administration has frequently the effect of promoting at the same time waste and parsimony ; the jealousy of local sects and parties causing an excess in the number of schools, for which, as a sort of revenge upon themselves for their extravagance, the local authorities make very inadequate provision.

action ; and the dream, in which some of us indulged, of a State in which every parent should be paying, fully and directly and consciously, for his children's education, presented as fair and lofty an ideal as any rival theory can boast. But that dream has vanished ; even the archprophets of the faith have now abandoned the shrine ; and the only present question is, what faith to substitute—whether to adopt a policy of “thorough” or a policy of compromise ; to form on the theory of co-operation, a perfect system, covering the whole community and consistent with the self-respect of all, or to try and satisfy ourselves with half a system, touching only a portion of the people, and touching them with the icy, numbing hand of charity. There can hardly be a doubt as to the preference which those should give, who, not less anxious than others for the spread of national education, are supremely anxious for the elevation of the national spirit. If we cannot now hope to create a self-educated people by one method, let us hope to do it by another—if not by separate effort, then by combined exertion. But let us not rest satisfied with anything short of this ; and especially let us not, by another kind of Poor Law, doom the mass of our future population to be a sort of hybrid race—half independent, half dependent—as, to their bodily wants a race of self-supporting citizens, and as to their mental nourishment a race of paupers.

At present, it must be confessed, the sectional-charitable plan appears to be in favour with our public men ; some, perhaps, not yet alive to the incompatibility of paternal government with a democratic ; suffice others perhaps not indisposed to prolong, if possible, the power of the “governing classes” by the lethargising, humbling influence of state largesses to the rest. Upon those, however, who are open to no suspicions of this kind, it is reasonable to urge, in further support of the plea for a little fruitful pause, before decisive action, that the views of this “rest” of more than half the population have not yet been ascertained ; and that, before a measure is adopted on a subject of such vast importance, it would be well to give to those who are most nearly affected by it an opportunity of expressing their opinions. The new constituencies have not yet become familiar with the novel power conferred upon them ; and the present parliament was elected on a totally different and all-absorbing question. The many thousands of the working class who are able to pay for whatever they require have not yet said that they are unwilling to pay for *this* requirement, or that they are willing to be under an obligation, in respect of it, to other classes of society. Surely, therefore, we are not yet “morally competent” to decide upon the form of an extensive change which, one way or another, must exert incalculable influence on the future history of England. The need for additional and better schools, however urgent, is not so urgent as to justify legislation which may afterwards appear to be repugnant to the genuine national sentiment. Rather let us wait until the popular voice, which cannot now be safely ignored, shall have expressed its choice between the two alternatives. Charity schools

or Common schools—stereotyped distinctions, or the fusion of classes—help to a part, or the co-operation of all.

It is no part of my object to underrate the educational needs of the country. Nevertheless, in considering whether we are obliged to legislate next year, rather than the year after next, or the year after that, it is well to recollect that the number of children under tuition at the present time is equal to one in about seven and a-half of the population of England and Wales, a proportion which gives an average of about four years' schooling to the children of the working class. The estimate sanctioned by the Royal Commissioners of 1858 makes the proportion one to every 7.7, which is not far short of the highest proportion practicable in a highly industrial community. Mr. Matthew Arnold, indeed, objects to this estimate on the ground that it is an estimate and not the result of a census. He is probably not aware that an exhaustive census of the number of schools and scholars in England and Wales was taken in 1851, and that the estimate of 1859 is supported by the results of the previous and more extensive inquiry. Of schools and teachers in the aggregate, therefore, there is no great lack, and the deficiency as to scholars is less a deficiency in general than in certain crowded centres, and less of numbers than of the time passed in school. As I ventured to assert, in reporting on the Educational Census of 1851, "very few children are completely uneducated, nearly all, at some time or another of their childhood, see the inside of a schoolroom, though some do little more."* New schools are wanted in some populous places, and better schools and a better distribution of schools in other parts of the country; but the statements which are frequently made by eminent persons as to the enormous number of children (sometimes put at from 1,000,000 to 2,000,000) growing up wholly without education, rest upon an obvious arithmetical fallacy. That a certain number of children is always found absent from school is no more a proof that so many never go there, than the fact that a certain number of members of Parliament is always absent from the House of Commons is a proof that so many never attend to their duties. The case for a national system is strong enough on various grounds, and is only discredited by wild exaggerations of numerical deficiency. Strong, however, as the case is, it can hardly be said to be so urgent as to necessitate immediate legislation, if this would involve the sacrifice, or imperil or postpone the attainment, of legislation on a just and satisfactory basis.

DISCUSSION.

MR. PEARS: I agree with Mr. Mann in his statement that it would be better to wait a few years, or at least a session or two, until we can decide upon what would really be a good system, than that we should go hurriedly to work and find we had made a mistake. By a good system, I mean such a one as would bind together all the schools in the kingdom, and offer to every boy an opportunity of gaining the best education the country can supply. As the people take advantage of the gas

in the streets and the means of getting rid of their refuse, and pay for it, so would they take advantage of the means for educating their children, and pay for that in the same way. Rating seems to me to be absolutely necessary to ensure local government; but I express this opinion on the presumption that the whole of the schools throughout the country, in pursuance of one comprehensive plan, would in future be supported by the community at large, instead of by private effort as at present. It is true that we are told every day by the newspapers that local government is on its trial, and many complaints are lodged against town councils and vestries; but whether they are true or false is of little consequence, as there is little doubt that a superior class of men would be attracted to a local board of education. The work to be done on the board would be of a high order, and would not be accompanied by much that is disagreeable in the work of those who act as overseers and guardians of the poor. One good result which would spring from local rates, would be the creation of a more general interest in the cause of education than at present exists; the organisation for carrying out the school system would thus become a means of adult education.

Mr. T. TURNER: It strikes me that the views expressed by Mr. Mann would necessitate a too sweeping change in our past educational work. The reforms they advocate are from without, while we have ever found that the best reforms come from within. Though much yet remains before us, I feel that so much has been accomplished during the last twenty-five years, that it is of the very deepest importance that we should continue the work through the existing channels, while at the same time we fill up all the gaps that the present system has left. It is upon this point that I am at issue with the National League. Upon the question, as to whether the schools should be free or not, I would insist upon the importance of continuing a direct payment from the parents, in order to foster the feeling that every parent is responsible, and should pay for the education of his child. No system would be complete unless it is calculated ultimately to lead to the recognition of this duty throughout the country among all classes. The present system inculcates a spirit of independence, because the parent knows he is doing something towards the education of his child when he pays his fee, and it cannot be said the parent is unable to make these payments, because the school fees have been largely increasing throughout the past five-and-twenty years. Let the personal fee be maintained whatever else is done. Local supervision is important, because a local board would be far more competent to judge of the peculiar requirements of a district than an imperial board, and it seems to me that a combination of local and imperial funds and government would best serve us.

Rev. BROOKE LAMBERT insisted that it would be impossible to disassociate the school rate from any other rates in people's minds, and again described and advocated a poll tax. The adoption of an educational rate and the creation of a local educational board would attract superior men as long as its novelty prevailed, but in a short time the control would fall into hands utterly unworthy of dealing with the subject. It was a mistake to suppose the poor people felt they were being pauperised by sending their children to school; on the contrary, most of them thought they were doing the school managers a favour by patronising their institution.

Rev. S. A. STEINTHAL: There seems to be little doubt now that we must insist on part of the expense of education being thrown on the local rates, in order that the proper expenditure of that money shall be ensured. I have faith in a thoroughly efficient local government, and believe such a government could be obtained. In the case of the Poor Law administration, the sole object in most cases seems to be to keep down the rates, but in my district a superior class of men have undertaken the post of guardians of the poor, and interesting themselves to secure the proper management of the hospitals for the poor, have raised a model infirmary. In Liverpool, too, men of high position accept the office of guardian, and I feel sure the great work of education will not lose its position in the minds of men of the better class, and that the local board will not degenerate. I agree that it is important parents should actually see that they pay for the schools, and to this end it would be necessary to have the school rate totally distinct from all other rates, without power of compounding, because at present the poor do not really follow the incidence of the rates which they are paying. I would have this not

from the fear of putting a pauper stamp upon the child, but in order to teach the parent his duty to that child. I do not take part in the fear of pauperising the child by eleemosynary education, because it is the blessed result of education that by it you raise a mind above the pauper feeling. I am convinced that if we wish for a thoroughly efficient system of education we must do away with the present system and start afresh. We must try, in this instance at least, to overcome our propensity in favour of patching and cobbling, and make a really good thing at once, so that our educational system shall rest upon a sound and lasting footing. I want a national system with local taxation, checked by imperial supervision as a preventive against niggardliness.

Rev. Canon NORRIS: Three points present themselves to me in considering this practical subject. In the first place, shall the education of the country be paid for in the major part out of the Consolidated Fund or out of rates? Mark well what that question means. Shall the cost be taken out of the aggregate income of the country of 75,000,000*l.* a year, or be levied on the rateable income of 550,000,000*l.*? I have an impression that if the cost were put on the rates we should have the fund-holder drawing 5000*l.* a year from personality, paying nothing to education, and the hard-working man paying several pounds a year. Another practical point is this. If you in the place of the present voluntary system supplemented by grants from the Consolidated Fund introduce rates, you will revolutionise the constitution of our schools. That is a truism. A school supported by a common fund must be a common school. And here mark you, how you turn the flank of the religious difficulty; if we agree upon a common fund we need not discuss what particular sort of religious lessons are to be given, but who are to govern? Those who pay must in England always govern; if it be the ratepayers they must more or less govern. Shall we be content to transfer the management of our schools to Boards of Guardians? I doubt it. That is the second point; the government and constitution of our schools. The third point is, whether we cannot combine the three sources of income; the voluntary system, the Consolidated Fund, and the rates, keeping the rates in the lowest place, inflicting them more by way of a fine on those who will not subscribe. Leave the bulk of the expenditure to be defrayed out of the income of 550,000,000*l.*, either in the shape of voluntary subscriptions or grants from the Consolidated Fund; the burden of the schools will then rest alike on the great landowners and on every poor man who takes his tea and sugar. This would be a far more evenly distributed tax than Mr. Lambert's poll tax, because the latter would be levied upon every sucking child, and fall heavily on the father of ten children, while bachelors would go almost scot free. Let us rest upon the children's pence and the Consolidated Fund, and when these fail, fine the locality by levying a rate. One word more. Have we in considering this question sufficiently remembered to avoid the fearful risk to any nation, be it Imperial Rome, or France, or America, of asking government to enforce moral duties. Let government enforce rights, let it protect from wrong, but let us beware how we enervate ourselves by having recourse to the government for enforcing moral duties. Every time the State obliges a man to act morally; every time it forbids a man to beat his wife; every time it steps in to oblige him to make proper sanitary arrangements, and authorises domiciliary visits, it enervates the moral sense of the country. Let us consider before we overthrow the voluntary system under which the moral responsibility still rests on God's guardian of the child, and taking that responsibility from him, put it on the policeman.

Rev. W. L. CLAY: On the question of the character of the local board, I contend that although men of a higher class may offer themselves for election, it is a question not of who puts up, but who is elected; and the result would show that it is not the man of ability, but the small greengrocer, because his chief motto will be, "keep down the school rate." The Manchester programme is superior to the Birmingham in this respect, because it has a complete preventive against stinginess. They say that if a school at present in work shall desire to come under the law it will cull in the inspector; and if the inspector reports favourably, the managers will have a claim at law of some 10*s.* a head per year upon the local rates, and the local board shall not have power to say, you must put up with 6*s.* or 7*s.* I have no belief in the alleged probable degradation of the poor by going to free schools. It is a pure fiction. People do not now feel degraded by getting an

elemosynary education from the dead hand; why, therefore, should they feel degraded by getting the same from the living?

A paper was read, written by Mr. J. G. FITCH,* on "The Constitution of the Educational Council provided in the Endowed Schools Bill." The paper detailed the principal features of the Endowed Schools Bill, providing, *inter alia*, for the establishment of an educational council, and directed attention to the necessity of careful provision for the examination of schools. The writer suggested discussion on the question whether the examiners should be a permanent staff, or should be appointed for the occasion, or, as in the Indian Civil Service examination, on a system combining the two. Attention was also called to the election of representatives of the body of registered teachers. As they constituted one-fourth of the council, and would be elected by a body not yet having any corporate existence, it became worthy of consideration whether they should not be reduced to two (one-sixth of the council), and whether, the original number being retained, the two higher grades should not be allowed to elect one, so as to prevent the numerical preponderance of the lowest class of certificate holders swamping the judgment of the more intellectual.

DISCUSSION.

Dr. HODGSON: Mr. Fitch has dealt mainly with two points—the nature of the examiners to be appointed by the educational council and the council itself. It seems to me that the former depends on the latter. The arrangement which proposes to place upon the council some representatives of the teaching profession strikes me as most important. It is the first step the government has yet taken towards a just recognition of the dignity of the teaching profession, and the first endeavour to raise up a generation of teachers who shall be what we desire them to be. As yet, the government has done very little to raise the educational status of teachers. One would have thought some inducement would have been held out to teachers to qualify for the office of inspector, but as yet this has not been done, yet who would think of appointing to a bishopric a person devoid of parochial experience. The council is to consist of twelve persons, six to be nominated by the three Universities of Oxford, Cambridge, and London, and during the first five years the remaining six are to be nominated by the Government. After the five years, three of them will be elected by the registered teachers themselves, three only being nominated by the Government. Mr. Fitch seems to be afraid that the teachers' delegates will degrade the council, because many of the registered teachers will consist not of holders of high university diplomas, but of men of mean attainments. The latter is no doubt the case, but the men elected would be of necessity men of high attainments, and their election would depend upon their having distinguished themselves to such an extent as to be known to a scattered and comparatively obscure class. When the tribunes first elected their representatives they did not even elect tribunes but patricians, and it will probably be the same

* A desire having been expressed by many members of the Section that Mr. Fitch's able paper should form the subject of special consideration at a Monday's Sessional Meeting, and this desire having been approved by the Committee, the paper will appear in full in the "Sessional Proceedings."

with the teachers. Still, I don't see why a teacher in a British school should not be able so to distinguish himself as to rise to the highest position the state offers in connection with education.

The Rev. W. ARTHUR also made light of Mr. Fitch's fears, that the election of a fourth part of the council by the teachers would detract from its excellence. The persons elected would naturally be distinguished men, or they could not command votes.

Mr. TURNER stated that those elected to the College of Preceptors by the general voice were of the class Mr. Fitch and Dr. Hodgson desired.

Rev. J. W. CALDECOTT said it was absolutely necessary for the content of the masters themselves that they should be represented on the council. If the three delegates were incompetent, the other nine would be likely to keep them in order; if, on the other hand, they were able to convince the nine that their plans were good, what harm could result? He could not believe the worst men would come to the top.

On the teaching of Physiology as a Branch of General Education. By EDWIN LANKESTER, M.D., F.R.S.

I WILL not here enter into the question of how the human mind should be trained and informed in a proper system of education, but at once ask attention to the claims of physiology, to be taught to all who have bodies to be saved from disease and death. It may be said, that scientific physiology is a science too profound and obscure to claim to be taught in our primary and elementary schools. The physiology I would have taught, embraces, however, no speculative inquiries or profound investigations, but the simple known facts of the dependence of the life of man on certain physical phenomena over which he has pre-eminent control. Such facts as the composition of atmospheric air, and the influence of oxygen in maintaining the heat of the body through the functions of respiration and circulation I would give as an example of what ought to be taught to every child. Facts such as these, embracing the principal points on which the health of the human body depends, might, I think, be taught in every school in the kingdom. Children must be taught to read, and when they read, it is quite as easy to teach them to read a book on the structure of their own bodies, as on any other subject to which their attention is now directed.* I would not, however, confine the teaching of physiology to mere reading lessons, but would require that every teacher should ascertain that a child understood the nature of its lessons in physiology.

This subject need not be taught from books alone. The human body to which it refers can always be used as an illustration. The function of breathing can be illustrated by the child's own respiratory processes, the pulsations of the heart and arteries can easily be felt, the structure of the eye, the ear, the tongue, can be taught in living examples, whilst the nature and action of food can be easily explained by reference to articles of diet familiar to all children. If then only for the sake of information, I ask that every child be

* At the request of the Irish Board of Education, I have drawn up a "School Manual of Health," published by Groombridge and Sons, price 1s. 6d., for the purpose of being read in schools.

taught something of the knowledge of the structure of its own body ; as a training of the mind, I believe that the facts which the science of physiology affords would be of great service in the development of the reflective powers.

The advantages which this knowledge, early imparted, would confer, are very abundant. One of the great drawbacks to all our sanitary legislation is the want of knowledge on the part of those for whom so many Acts of Parliament are enacted. It is useless to give powers to corporations and vestries, if the individuals of whom they are composed are ignorant of the use or value of the powers which are conferred upon them. " If the people of a town are ignorant of the value of pure water, the benefit of the act of a town council in giving it to them is lost. If people do not understand something of the nature of the laws by which contagious diseases are multiplied and diffused, it is hopeless to expect that these diseases will cease to depopulate and destroy. I might add here a larger number of illustrations, but they will occur to every intelligent mind.

There is scarcely any class in the community to whom, independent of its purely personal application, a knowledge of physiology would not be of benefit. Beginning at the top of the social scale, I would refer to statesmen—to those to whom we must look for passing sanitary laws. Unless there is on their part a knowledge of the laws of life, their sanitary enactments will fail to accomplish the objects for which they have been brought into existence. I feel that much of the unsatisfactory, indecisive, and patchwork character of our present sanitary legislation is due to the want of a knowledge of the ordinary laws of life on the part of our legislators. A universal education in physiology would undoubtedly catch all our statesmen, but I feel that if our universities would insist on a pass-examination in physiology for all candidates, it would do much towards the introduction of this subject into our higher, middle class, and even lower schools.

Next to our statesmen come our professional men ; and first I would speak of the clergy of all denominations. In visiting the sick and the poor, and in preaching to all, they have great opportunity of inculcating the necessity of obedience to those laws by which God governs the natural life of man. The clergyman can with propriety point out that obedience to those laws is life and health, and that disobedience is disease and death. Should he be a missionary to the heathen, with how much more influence will he be able to preach the truths of Christianity when accompanied by the knowledge of the nature of health and life possessed by those who have studied the science of physiology in civilised communities.

I pass from the clergyman to the lawyer. Although many of our great lawyers have exhibited more than an ordinary amount of physiological knowledge in cases that have come before them, it is not considered necessary that the great bulk of the legal profession should possess any knowledge of physiology whatever. Yet how large a number of cases that come before our courts of law involve

points which only a knowledge of physiological laws can settle. This is more especially the case with the Coroner's Court, where the investigation turns almost wholly upon questions connected with the structure and functions of the human body.

Passing from these purely professional classes, I come to the professions of the engineer and architect. Wherever the problem is to supply air to human beings, whether in railways, mines, ships, or houses, there a knowledge of the laws by which life is maintained is essential to those who design and build up these works. How often do we find the greatest works of the engineer and architect marred by the fact that he has ignored the simplest conditions of human existence.

From this class of professional workers we may pass on to those engaged in literature. However distinguished our great authors may be, instances are not wanting in which they betray a very palpable amount of ignorance of the laws of life. To those whose professional avocations lead them to speak on physiological subjects, it is often a source of great annoyance to find that their remarks have been thoroughly misunderstood by the ignorance of physiology of those whose duty it is to supply information through the press.

Passing from the professional to the middle classes, there are several public functions which they have to perform which render it imperative that they should be acquainted with the principal facts which relate to the preservation of life. It is from this class that the council-men of our corporations, the members of our vestries, and boards of guardians are principally drawn. To these bodies the government gives permissive powers to carry out the various Acts of Parliament which have been passed for sanitary purposes. Where the members of these bodies are ignorant of the laws of life, then disease and death stalk through the population committed to their charge, and the living inhabitants have to pay the penalty in hard cash for the ignorance displayed by their representatives. Those bodies are not aware, through the ignorance of physiology of their members, that disease and death are the most expensive luxuries in which they can indulge.

From tradesmen I pass to working men. Our working classes, whether employed in the open air or in close rooms, need to know the causes of death and disease. By ignorance on their parts of the nature of fresh air, they frequently surround themselves with poisonous atmosphere full of the germs of disease and death. The workshop and the factory are frequently the source of a predisposition to disease, not suspected by those who work in them.

The wife of the working man is equally ignorant of the way to keep her home sweet and pure, and of the causes that lead to the death of her husband and children. Neither the working man nor his wife are ever instructed in the nature of the daily food they take, so as to economise the small wages they receive, or to avoid spending their money on that which is utterly incapable of sustaining their health and strength. The utterly absurd views they

entertain of the nature of alcoholic beverages ought to be corrected by a knowledge of the poisonous nature of the drinks which a large number of them take in quantities, at once reducing their power of work, and leading to premature poverty and death.

But if I have failed to convince the Section that boys ought to be taught in all our schools at least the rudiments of physiological knowledge, I would ask that this information be given to girls. To them, as assistants of their mothers in poor men's families, and as nurse maids in the families of the rich, a knowledge of the laws of life is essential. If they are ignorant of the structure and functions of a child's body, they make mistakes which are constantly leading to the destruction of infant life. It is the girl that becomes the mother, whether in the lower or higher classes of society, and I have no hesitation in expressing my conviction that the large mortality of children under five years of age is not due to vice or crime, but to ignorance. At least 2000 children are suffocated annually in bed with their parents or nurses in England and Wales, and not 5 per cent. of these cases can be traced to vice or crime. The cause of their premature death is the ignorance of the mother or nurse of the necessity of procuring for these children a due supply of fresh air. The cruelty of neglecting this branch of education is felt by the poor women themselves, when they reflect that they have lost their children through ignorance of the simplest laws which regulate the life of human beings.

In every relation of life it is most important that the woman should understand the causes of disease in her family. She is essentially the mistress of the household, and if she neglects the care of her children, or the superintendence of her servants, unnecessary disease and premature death will be the result. One of the great causes of the prevalence of preventable diseases and deaths all over the land is the utter and entire ignorance of the majority of females of the laws which govern healthy life. Even with regard to that most destructive of diseases—consumption, my friend, Dr. William Budd, says of all diseases it might be most easily prevented. But in order to do this our women, our mothers, our mistresses of households, must be instructed in the nature of the laws which govern the development and progress of this disease. The sum of human suffering that might be prevented, and the amount of wealth that might be saved, by a knowledge of the laws of disease is incalculable. And yet I find in the prospectus of a new "College for Women," that the subject of physiology is not contemplated as a branch of study in that institution. As long as this subject is thus slighted and neglected in all our plans and systems of education, so long will the miseries that arise from premature disease and death occur, and so long will poverty and physical debility obstruct the progress of mankind in the path to wealth and happiness. On this, of all other subjects, it may be said, in the language of our great poet, that "Ignorance is the curse of hell, but science and knowledge are the wings whereby we fly to heaven."

MISCELLANEOUS.

The Rev. Canon MOSELEY read a paper on the subject of "Church Education." * In the course of it the author suggested to the gentlemen who advocated the rate-school system, that they must expect to encounter a great resistance on the part of the friends and supporters of existing denominational schools, and on the part of statesmen and political economists to whom they proposed, for doing in the matter of public education only as much as was now done (or he thought less), the payment by public taxation of three times as much. He spoke of the religious feeling of the country, and the importance of a religious education for the people. This education being religious, it could not but be denominational, for each denomination desired to fulfil the Divine command according to its own mode of religious worship, and its own formula of religious faith. All attempts, therefore, to establish undenominational systems of education in this country had failed. The religion of the English people, and indeed of the whole of the Anglo-Saxon race, was a denominational religion. It was adapted to their condition; their national character had been formed upon it; it had grown with their religious liberties and their constitutional freedom, and it ministered by an admirable gradation to the moral and religious wants of the people. In the event of the establishment of secular schools by Act of Parliament, the Church at least would continue to maintain religious schools wherever she could. There would be repeated all over the country the scandal of religion and secularism contending for the education of poor children; and as if the educational question had not already difficulties enough to encounter, this would be added—that the rival schools of almost every parish in the kingdom would become centres of religious animosity and political discord. This unhappy result would be brought about by a useless addition to our annual taxation, supposing there to be no more schools and scholars than there were now, of nearly a million sterling. The paper went on to urge that an obligatory educational law should be one requiring attendance at school for at least half their time of all children under the age of fourteen, whether at work or not, and it should apply to children of all classes and conditions in life. There were probably few dissenting communities desirous of having their children spiritually educated, who would not be able even in rural districts to get up some small private school for them, aided as it might be by public grants on results, and the religious difficulty of obligatory education would thus be minimised. An obligatory thing was what a man put upon himself of his own will, a compulsory thing was what another man put upon him, not of his own will. Such an obligatory law should apply to the children of all classes and all conditions of life. The system of education should be

* This paper forms part of a work on the subject, which is now in course of publication.

obligatory as to the attendance, and voluntary as to the maintenance of the schools. For instance, a law might be enacted to require the children to go to school half their time, but to whatever school their parents chose to send them. Even then one-half the schools would be good ones, inspected and taught by certified teachers. No Acts of Parliament, he believed, would ever make education compulsory; but if public opinion pronounced in favour of such a measure they would make it obligatory. To such a law, founded on the denominational system, he avowed himself a convert; but to one which obliged parents to send their children to schools prescribed to them, and which enacted also that they should be secular schools, he was opposed. It would sacrifice the political freedom and the religious liberty of the people of England, and this for the sake of a mere secular teaching; not for a higher education. He heartily wished that any hope could be entertained that the working classes would educate themselves, whatever means of doing so were offered to them, without any such legal obligation as that of which he had spoken. Facts, however, did not justify that hope.

SIR JOHN BOWRING, LL.D., F.R.S., read a paper "On the teaching of modern languages." The writer had two objects in view—first, to assist in forming a just appreciation of the value of modern languages, and the desirableness of devoting to their acquirement a larger portion of time and attention than is usually allotted; and, secondly, to show that modern languages may be much more easily and profitably learned than is generally supposed. So wide a field, however, could only be partially explored.

There is no one ancient dead language than which for most of the practical objects of common life some living modern language will not be found more useful. For no purpose of conversation, for very few of book-making or correspondence, can either of the classical tongues be now profitably employed. What they can suggest of nomenclature has been already appropriated, and will continue to be so, but they furnish no vocabulary for the sciences, which were unknown to the literature of Greece and Rome. In the fields of geology and mineralogy, Germany and France, with England, have been the great contributors; and if natural history has availed itself largely of classical forms of adjectives, and substantives, the names adopted would be as little familiar to the old antiquarian or Roman as the objects themselves. Contrast Latin with French, the two languages that would probably be selected as the most important. Now, there is scarcely anything useful in Latin that has not been reproduced in French, added to which will be the knowledge acquired during nineteen centuries. Latin gives some of the delicate touches of language—valuable principles to the critical student, with which the later tongue has been impregnated. In fact modern literature has not only its own productions, but those of the best civilisation of the ancient time. The eloquence of the Forum has been transferred to Paris, and we have added

to the inheritance of the past all the revelations of the present. Who would compare the benefits to be derived from the writings of Herodotus, or Homer, or Demosthenes, with those which the geographers, the critics, the jurists, of Germany have conferred upon those who have mastered the Saxon idioms. And then what unexplored regions are presented by language in the Slavonian, the Scandinavian, and the multifarious Oriental fields? What delight for those who study the romances of Spain, the classics of Italy, and the rich varieties to be found in the many local dialects which are generally passing into oblivion, being gradually absorbed by the dominant languages.

It was a useful practice of Pestalozzi to teach his nurses to sing nonsense songs, in which all the difficult pronunciations of modern languages were heard, so that the tongues and the ears of the children were accustomed to them. In English, for example, the *r* and the *th*, in French and German the diphthongs æ-ö-ü, and the letter *u*, in Danish, the *æ* and the *d*, in Dutch, German, and Spanish, the gutturals—in Portuguese and French the nasal sounds are not easily pronounced by others than natives. Our *r*, standing alone, has so indistinct a sound, that many Englishmen confound it with *w*. I remember Mrs. Barbauld, cultivated as she was, saying :—

" I hate the *dwun*'s discordant sound,
Pawnding *wound* and *wound* and *wound*."

The letter *s* is one of the most frequent occurrence in our own and many other languages, yet the Andalusian peasant always pronounces it as *th*, as *Thi*, *Thinor*, for *Si*, *Senor*.

In Russian several letters of the alphabet, one of which, *m*, requires six consonants to express it, *schitch*, are unpronounceable by strangers, as is in Welch the double *ll*.

In early life these sounds are very easily learnt ; in later life the organs will not lend themselves to new utterances. But a child will as easily learn the forty letters of the Slavonic alphabets as the twenty-four of the Latin, or the eight to which the languages of the rudest nations are confined. The distinctions very perceptible to a trained ear and tongue are scarcely observed unless the organs have been trained to them. A Frenchman does not easily perceive the difference between *ship* and *sheep*, *sir* and *sire*, the scarcely defined *r* is seldom correctly pronounced by a foreigner. A Welchman confounds *b* and *p*, *d* and *t*, as an uninstructed Londoner confounds *w* and *v*.

The euphemisms or idiosyncracies of language cannot be described by rules of grammar. What is called prosody may define measures and cadences—nothing but the voice can teach the true melody of songs or sounds. The rules which determine accent are very various. French can never be a poetical language because the accent invariably falls on the same, that is the last, syllable. The poetry of France is always rhymed prose. Blank verse is impossible, it could not be distinguished from prose.

In many languages—in Italian especially—the language of poetry differs much from the language of historians. The very sonorous character of the Castilian adapts it to lofty song. No language more than our own, no writer like our own Shakespeare, presents examples of the

“Thoughts that voluntary move
Harmonious numbers;
Sounds musical as is Apollo's lute.”

The tongue is the best instrument for language learning, as speaking is the most important function for intercourse.

We never teach a child by the putting sentences perfectly together; we mispronounce, we blunder upon bad grammar, we simplify sounds, we accommodate our words to the imitating utterances of infancy, and so from imperfect utterances we get to a pure pronunciation, and from fragmentary sentences to grammatical purity. And thus is the child taught his mother tongue. He first learns the names of the objects that surround him—the simplest, shortest words, bread, milk, cup, water, cheese, table, house, sun, moon, stars, tree, flower, sky. Is he perplexed, as is the poor student of Greek or Latin?

The best way of utilising the languages of Greece and Rome would be to give them vitality, to make them living instead of dead languages—languages in which we should think and speak the most familiar things, and write as flowingly and as readily as a well instructed French scholar thinks, speaks, or writes in French. If this were the case, no work of translation would proceed in the mind; every thought would take the idiomatic form in which it sought expression. In what mode is thy health? for example, would be the Latin mode of salutation, instead of—How do you do? in English. How find they themselves? in German. How stands your mercy or your seigniors? in Spanish, Portuguese and Italian. How fare you? in Dutch.

The acquaintance with languages, which is acquired only from books, is far less profitable than that which we derive from real communication. A man who understands spoken Spanish or Portuguese, will have little difficulty in reading books in either language. So with German and Dutch, Swedish and Danish, Welsh and Armoric; but it is not easy for a Hollander to understand a German, a Dane a Swede—or a Spaniard a Portuguese. I remember once meeting the two most distinguished scholars of Brittany and Wales at one of the Centenary gatherings of the Eisteddfod. They were, each of them, learned in the lore of their respective languages, but in conversation were utterly unable to carry on a controversy; they seized a word here and there, as an Englishman would find wine, horse, man, in the language of any Teutonic or Scandinavian people—but little more.

It is a great error, and for the most part a bit of vanity, to suppose that in conversation a person understands more of a foreign language

than he can speak. A man can convey his wishes, and to some extent his thoughts, by the knowledge of a very few words, which he can himself select, but it is much more difficult for him to understand the words selected out of a multitude by the individual who addresses. The language of signs is more at the command of him who asks than of him who answers a question; it is easier to express a want than to explain how the want is to be supplied.

What gives to the northern European languages an immense advantage over the southern is the power possessed by the verbs of attaching to them adverbs, prepositions, conjunctions and other auxiliaries, which may be employed with a single verb to convey a variety of meaning, which in the classically-derived languages must have verbs altogether distinct. For example, with the words, come, or go, stop, or run, we have about, after, again, abide, at, many, by, between, in, in for, into, near, of, off, oft, often, oftener, on, on with, over, out, through, up, upon,—nearly every one of which, in our language, will serve to modify or describe various modes of motion or of rest—which in the Latin or Greek derived tongues require separate verbs. Hence it happens that for the common purposes of life an English peasant has fewer words to learn than a Frenchman or an Italian.

I would say in conclusion that there is, in this country, a great want of schools devoted to special objects in the field of early education. The instructions for a youth intended for commercial purposes should differ in many respects from that of one destined to another occupation or profession. What might be invaluable to a lawyer, a medical man, a divine, an engineer, a mechanic, a manufacturer, or an agriculturist, would be of little account to him whose fortune depends on knowledge of foreign countries and foreign languages. We have in this country for example no *Ecoles Forestières*, and our government has very wisely encouraged those intended to be functionaries in the Department of Woods and Forests to find education in the French School. Their *Ecole des Mines* has now a most useful auxiliary and competitor in our Jermyn Street Establishment. If success attend the scheme of International Colleges, important results will follow, by facilitating the acquisition of that knowledge which will extend in its possessor the area over which his aptitudes may find their most profitable exercise. It may not be true, as was once asserted, that a man is twice a man who knows two languages, and thrice a man if he knows three, but it is quite certain that in the general career of competition the mastery of foreign tongues will be a most valuable and most potent auxiliary.

A paper by Miss MAYO was read of. "The Factory Act, as it applies to children at school." She wished it to be made illegal for the factory master to employ any child full time who had not a certificate of having passed the fifth standard. At present all children, the day they reach the age of thirteen, however low may

be their place in the school, may go to work full time. The evil consequences of this law, both to the children and their parents, were pointed out. Children between the ages of nine and thirteen, not working in factories, were not bound by the half-time system; it therefore frequently happened that children were kept at home till they were nearly thirteen before they got employment in the factory. Under that age they would be obliged to go to school, but having attained it they were at liberty to work full time, which liberty the parents instantly availed themselves of. The little, therefore, they had been taught was soon forgotten. To remedy this Miss Mayo proposed the following addition to the Factory Act, "That no children who had not passed in the fifth standard should be allowed to leave the half-time school and go to work full time."

HEALTH.

INFECTIOUS DISEASES.

Can the Government, further, beneficially interfere in the Prevention of Infectious Diseases? By WILLIAM BUDD, M.D.

"For the saving of human labour, the avoidance of human misery, would be uncountable, if it were set about and begun, even in part."—CARLYLE.

IN bringing this subject before the Section I shall set out by taking up two leading positions. (1st.) That the vast and multitudinous brood of infections, or—as I prefer to call them, self-propagating, diseases are emphatically the great field of preventive medicine. And (2nd.) that, still more emphatically, these same diseases furnish prevention with its great opportunity. To establish these positions I shall have to enter into some general considerations, which, although they may seem to detain us for a while from the special question before us, will in reality be found to have the strictest bearing upon the answer to be given to it.

To prove the truth of the first position all that is needed is to look at the annual death returns of the Registrar-General. For the sake of illustration, I subjoin a table which contains a summary of the deaths, from all causes, in the metropolis in the years 1863 and 1866. My reason for choosing London instead of the kingdom at large is, (1st.) That the data lay near to hand, and that having had to write this address at very short notice, I have had no time to go farther afield; and (2nd.) that I have a special object in showing what infectious disease is in our great towns, and in London as chief among them.

I have taken the year 1863, simply because it represents a year of about average prevalence of the whole infectious group, and the year 1866, because it was marked by the occurrence of a great epidemic. It is obviously only by combining the two that we can get a just image of what these scourges really are.

Looked at from the point of view we are now taking, this table is a very instructive document. For the sake of comparison, I have placed the self-propagating group in a section apart, at the top of the list.

DEATHS FROM ALL CAUSES IN LONDON IN THE YEARS 1863 AND 1866.

Infectious or Self-Propagating Diseases.	Total.	Infectious or Self-Propagating Diseases.	Total.
1863.		1866.	
Small-Pox	1996	Small-Pox	1391
Measles	1634	Measles	2220
Scarlet Fever	4955	Scarlet Fever	1892
Whooping Cough	2175	Whooping Cough	2960
Continued Fevers—		Continued Fevers—	
Typhus and Enteric	2808	Typhus and Enteric	2688
Cholera	159	Cholera (<i>Asiatic</i>)	5596
Other Infections	363	Other Infections	456
Diphtheria	799	Diphtheria	462
Hydrophobia	—	Hydrophobia	11
Glanders	3	Glanders	2
	14,892		17,678
Phthisis or Consump- tion	7898	Phthisis	9460
Other (presumed) Tuberculous Diseases	3104	Other (presumed) Tuberculous Diseases	3074
	11,002		12,534
Total Infectious and Tuberculous Diseases	25,894	Total Infectious and Tuberculous Diseases	30,212
Deaths from all other Causes	45,166	Deaths from all other Causes	50,241
Total Deaths from all Causes	71,060	Total Deaths from all Causes	80,453

In the year 1863 it appears that the total number of deaths from all causes in London was 71,060, and of these the infectious group was answerable for no fewer than 14,892, or more than a fifth of the whole. In 1866 the total number of deaths from all causes rose to 80,453, and those from infection to 17,678 :—a truly enormous number of persons to die in a single city, in a single year, of one class of diseases. These are the infectious diseases, at present so recognized. But no scientific man ever, I imagine, for a moment supposes that the group as it is here given is finally constituted. What, in fact, most marks the progress of this branch of science is the rapid way in which the diseases classed in the group below are being transferred to this one. It was but the other day, so to speak, that enteric or intestinal fever, and Asiatic cholera, which are represented in this table by such high figures, were generally supposed to be non-infectious.

What, if you should have to add consumption, and tubercle in its other forms, to the infectious list! What if, as I more than suspect, you should have to transfer to it also yet other types which stand in these death-rolls for very high figures—types widely separated from it in our present classification.

You will see from the returns of 1863 that 11,002 persons died of tubercle in London in that year, making, with the deaths from recognised infections, a total of 25,894. The addition of this type would, therefore, at once raise the proportion to more than a third of the whole mortality. In 1866, the ratio is still higher; the total deaths from infectious and tuberculous diseases being 30,202; the total mortality 80,453; *i.e.*, a proportion of about 3 to 8. I may say, once for all, that I have little doubt myself, that when all the diseases which really are self-propagating are put in their right place, they will be found to be chargeable with quite a third of the total number of deaths, and a correlative proportion of the total sickness. But I do not wish you to take this for anything more than my own individual opinion, which, I dare say, many of you will regard—and which, as far as I am concerned, you are quite welcome to regard—as somewhat exaggerated in this matter.

The list as it now stands, is sufficient for my argument. The figures, even supposing them to be approximative only, show at once, that of all the legions which make up the great army of death, that of the infectious diseases is, with one doubtful exception, at once the most active and the most deadly.* Remark also, that we have as yet counted the slain only. Multiply by some ten or twelve to get the number of those who are wounded, and who amid great pain and suffering struggle through, and you will begin to have some idea of the loss of human power and of the amount of human misery which these diseases entail. I say “*begin to have some idea*” because the real amount of suffering they inflict is feebly represented by these bald figures.

Death by infection has this tragic peculiarity about it, that it is always premature. It nips life for the most part, either in the bud, or what is still worse, in full flower. Death, which, in the course of nature, must come to us all, is always sad, but when it comes thus before its time, if I may so speak, it is bitter indeed. Add the dread element of contagion, and the climax is complete.

A case in which the very offices imposed by duty or love, may bring upon you the penalty of disease and death in your own person, is one which offers a consummation of bitterness not often to be found in any other form of human misfortune. If then, the saving of life and the alleviation of misery, be our aim, it is clear that the abatement of infectious diseases is pre-eminently the field of preventive medicine. Much may be done no doubt to lessen mortality, and to raise the general standard of health, by ensuring, as far as this lies in our power, the three great staminal elements of life—pure air, pure water, and pure food. To all efforts made in this direction I

* A striking illustration of this remark has been brought before the public while these sheets are going through the press. In 1869, scarlet fever killed 5803 persons in London alone. Assuming that only one in ten dies, 58,030 must have passed through the disease, making 1830 cases of sickness for every 100,000 of the population, and this is only one member of the infectious family. The “doubtful exception” referred to in the text is tubercle, a disease which I believe myself to be strictly self-propagating.

would say "God speed." But so pervading is the influence, and so wide the sphere of infectious disorders, that a great part of the efficacy, even of these conditions, is due to the fact that, air, water, and food are the chief media through which the seeds of these evil things enter the living economy.

The next position;—that these same diseases furnish prevention with its great opportunity, may be made equally clear. The relation they occupy in regard to it is, in fact, perfectly unique. Analyse the causes of most other diseases by which men pass to the grave, and what do we find? Some inclemency of weather, season or climate, or some other more subtle influence yet undetermined, and equally beyond our reach. Some inborn defect of form or constitution, some inherited fault, some vicious habit, slowly contracted, some unfavourable conditions imposed by stress of inexorable circumstances, some slow degeneration or decay, all things but too palpably much beyond our control. But infectious diseases are propagated by a distinct material cause, which, although multiplying within the living body, by the very nature of the case, always passes through a phase in separation from it; a phase in which it is often entirely within our power, and may be dealt with on the same principle, and I may add, with the same effect, as that on which the farmer acts when he exterminates tares or thistles, by destroying the seed by which they multiply.

In the non-infectious group, the work of prevention is remote, indirect, and too often feeble at the best:—in the infectious, it is direct, signal, and decisive. In the one we may perchance rescue an individual here and there, or possibly even build up the health of a whole society to a higher level:—in the other, by well concerted measures, we may often protect an entire community from wholesale mortality.

These two points settled, another presents itself, which must be dealt with before we can proceed further. We are asked whether government can further beneficially interfere in the prevention of infectious diseases. But before we can answer this, the preliminary question arises, "Is our present knowledge of these diseases and of the mode of their dissemination sufficiently advanced to render such interference justifiable?"

The case is professedly a case of legislative action, based on science, and if the science be not sure, the legislation founded upon it must fail also.

Now, I think I am not exceeding what is strictly and severely true, when I assert that in all fundamental points the law of the propagation of these diseases is perfectly made out. But to know the law, is, in many of the most deadly of them, to know how to defeat its operation, and by defeating its operation, gradually to lead the way to their extinction. May I pause for a moment to illustrate the law itself, by a typical example. In the small-pox of man and the small-pox of sheep the whole mystery is unveiled. By help of an experiment which has been repeated a countless number of times, you may follow with the eye every stage of the morbid process.

I once knew an ignorant and obstinate man, who, inveterate in ignorant hostility to vaccination, inoculated his own daughter with the virus of small-pox. The usual interval of hatching or incubation followed, to be succeeded in turn by the "eruption," or breaking forth, and in the course of a week or ten days there had sprung from the impalpable atom, implanted by the point of a needle in the arm of this hapless young woman, a new crop of small-pox poison, sufficient in amount to inoculate with small-pox the whole population of Bristol.

On another occasion I saw, in Wiltshire, a sheep inoculated with that deeply interesting form of *variola* called sheep's small-pox, and which, although not identical with that of man, is the exact counterpart of it. In little more than a week, again, the minute particle inserted by the lancet had fructified into a new crop of virus sufficient to inoculate with that disease every sheep in Wilts.

This is a succession of events which it is impossible to misinterpret. It is not a case where the conclusion is reached through a long train of devious and elaborate reasoning from recondite data, through which error may easily creep in. The whole thing is a matter of sight. You implant the seed—if I may be pardoned the figure—with your own hand, and the crop which springs from it is before your eyes. The relation of the one to the other, and that, as far as prevention is concerned, is the essential point, is as plain as is to the husbandman the harvest which springs from the grain which his own hand has scattered. But what is true of small-pox in man and small-pox in sheep is, in respect of the law of propagation, true of the rest. Caused, each by a specific entity of its own, the living body is the soil in which this entity grows and multiplies, and from which issues the seed for ever-new crops. To multiply thus, and to scatter its seeds abroad for the propagation of its own kind—this is, in fact, what it is in disease to be infectious. This is what, stated in plain terms, infection means.

It is by virtue of this power, and by this alone, that typhoid and typhus spread, and migrate from place to place, and from continent to continent:—that scarlet fever makes thousands of homes desolate, that Asiatic cholera, that cattle plague, or small-pox in man or sheep, grow from a single first case to a pestilence that covers the land.*

* In regard to cattle plague, sheep's small-pox, human small-pox, and the whole group of eruptive, infectious fevers, this view would probably now be endorsed by all scientific men. But by a certain school of English physicians exception would be taken to its application to typhus and typhoid. While admitting the infectious nature of these two fevers, it is a leading doctrine of this school that, they are constantly springing up anew, under conditions with which infection has nothing to do. As regards typhoid, I have endeavoured to show elsewhere that, while the data on which this doctrine is founded will not bear scientific scrutiny, there are paramount reasons for placing it, in regard to its pathology and causation, in the same category as small-pox. For a full discussion of the general question I may, perhaps, be permitted to refer to an essay on sheep's small-pox which I published in 1863, in the *British Medical Journal*, and to a series of papers of earlier date on typhoid or intestinal fever, which appeared in the same *Journal*, and in the *Lancet*.

The conditions of the problem are then clear before us. To prevent infectious disease—failing the power to render the living body proof against it*—the one great thing is to destroy the infectious seed as it issues from those who are already suffering from it. To do this in each new case as it arises is, in exact proportion to the greater or less degree of completeness with which this end can be attained, gradually to extinguish the pest which is so treated.

No doubt it will be said that here exactly lies the difficulty. It may be of small advantage to know that a disease is propagated by specific particles bred in and cast-off by the living body, if these particles be so subtle and impalpable as to elude our grasp. The task is no doubt far from easy, but having myself deeply considered it, I see nothing that should of necessity place it beyond our power. The conditions necessary to success are, at any rate, very distinct.

In every infectious disease, the new brood of poison engendered by each case must emerge either from the natural outlets of the body, or from the skin. Now the exuviae from the skin may be disarmed by very simple means, and those which issue from the natural outlets are for the most part entirely within our power. What passes out impalpable in the breath is all that remains to be dealt with. But the power even of this to communicate disease may be greatly lessened by free ventilation, while on the other hand there are many reasons for believing that the time is not far distant when the breath, too, will be brought largely under the power of disinfecting agents.

It must be remembered also, that the whole work of disinfection is made much more easy by the fact that we already know from what surface or surfaces of the infected body all the great infections escape. In most cases the phenomenon takes the palpable form of an eruption, in which the act of "breaking forth" of the new crop is open to the eye. In the cases in which we have not this circumstance to guide us, recent research has succeeded in identifying the media through which the specific poison makes its way out. As far as prevention goes, this is all the knowledge we want.

More precise determination of the intimate nature of the specific agents—and I care nothing about the name or names which you may choose to give them—of the specific agents by which these diseases propagate, is no doubt to be desired, and will probably soon be had. But even when had, the interest of it will be more speculative than practical. As the skill of the farmer in exterminating tares and thistles would not be one whit sharpened by his knowing, as well as a Lindley or a Mirbel, the intimate structure of the seeds from which tares and thistles spring, so the success of the physician in preventing cholera or typhoid fever would be no wise increased were the actual form and nature of the specific particles by which these diseases propagate, perfectly and finally determined.

* In the case of human small-pox, this has been in great measure accomplished by Jenner's marvellous discovery. But we are unhappily far at present from seeing our way to any similar protective power in the case of other infections.

The whole case then appears to be ripe for action. The fundamental law of the spreading of infectious diseases is made out; the conditions necessary to prevention are clear, the measures it requires are, for the most part, easy of execution, and even where not so, they may be defined in the simplest terms. All that is needed, is the fitting organisation to give effect to this knowledge. What should this organisation be? Should the battle with these ever active foes be left to volunteers, and to individual effort? Should it be fought by the municipalities, or should it be undertaken by the State? There can be no hesitation as to the answer. It is found in the very essence of infection itself. Take, by way of illustration, this one trait. A man has an infectious disease in his house. The neglect of certain known precautions on his part may become the cause of disease and death to you and me. Such a striking and terrible characteristic not only places infection at once within the sphere of State action, but claims this action by the highest of all titles which a citizen can prefer to the protection of a government. Voluntary martyrdom has, I believe, been permitted in all ages, but when by becoming a martyr yourself, you may inflict unwilling and perhaps wholesale martyrdom on your neighbours even unto death, the proceeding takes a form to which the neighbours at least, have just right to object.

Contrast this with what happens in other diseases—with a typical disease of constitutional origin, such as gout, for instance. Gout stands in the death-rates of the Registrar-General for a very respectable figure. But gout is an infirmity of the individual citizen only:—the infectious fevers are national plagues. In the one, the case of our neighbour, except in the way of tender sympathy for the too tender toe, affects us but little. In the other it may wreck our own lives and happiness for ever. As with individuals so with communities. By the same law, Bath may become deadly to Bristol, or Bristol to Bath, London to Liverpool, Gravesend to Plymouth, St. Philip's to Clifton.

A characteristic like this must, by its very nature, pervade and govern all legislative action upon the group of diseases to which it attaches. By the very fact of being infectious these diseases belong supremely to the domain of State Medicine. Men are prompt enough to see and act upon this when their flocks and herds are threatened: why are they so slow to see and act upon it, when their own lives are at stake?

An attempt to extinguish cattle plague or sheep's small-pox by local action or local inaction, as the case may be, and in which each parish should be left to follow its own bent, or to do nothing at all, would be instantly seen to be futile and disastrous, and would be repudiated by the nation at once. But this, with the single exception of small-pox, is, with very slight qualification, the very principle on which we are at present acting in regard to the infectious diseases of our own race. Are the lives of bullocks more sacred than the lives of men, and sheep more precious than children?

To take another view. We all know what an anxious thing the

growth of pauperism has lately become, and is ever more becoming in England. Look into the subject, and I think you will be surprised to find what a large contingent the ravages of infectious fevers furnish to it. Most fatal—many of them—to the prime of manhood—they destroy fathers and mothers at an age when their children are young and helpless, and thus leave every year large numbers of orphans a burden to the community. With respect to those forms of fever which were formerly classed under the heads of “common continued fever,” this important characteristic has been made the theme of general remark.

Speaking of “typhus,” one of the most interesting of the many writers who have dwelt on this point expresses himself in the following words:—“A fever which consigns thousands to the grave, consigns tens of thousands to a worse fate; for fever cuts off the parents, leaving the wretched offspring to fill the future ranks of prostitution, mendicancy, and crime.”* In a valuable paper on the connexion between fever and destitution in Scotland, the late Professor Alison used similar language, and gave many striking examples in illustration. What holds for typhus is equally true for typhoid. When I formerly attended the clinical lectures of Louis, whose profound knowledge of all that relates to the natural history of this particular fever is well known, that eminent physician was constantly referring to its much greater fatality to persons in the prime of life. This observation is entirely confirmed by my own experience. Although I cannot appeal to exact statistics, I am sure that in my own practice the deaths of children have been very few, while the deaths of adults have been, in comparison, very many.

Indeed, the pauperising influence of “continued fever” is so serious that it has more than once forced itself on the attention of the Poor Law Commissioners. In a letter addressed by them in November, 1840, to the Metropolitan Board of Guardians, the following statement occurs:—“From returns made in 1838, by the medical officers of twenty unions and parishes in the metropolis, it appeared that 13,972 cases of claims to relief, on the ground of destitution, were created during that year, by attacks of fever alone, and that in 1281 cases the attacks proved fatal. The general deaths from fever in the metropolis during that year appear from the summary of the Superintendent-Registrar’s returns to have been 5634.”

Although the mortality from one of the great types of continued fever (typhoid or enteric) has been much lessened since then by sanitary improvements, the amount of destitution which is at present being caused by “relapsing fever”—another member of the same family group—seems likely, if report speaks true, to reach, if not to surpass, the figures given in this very striking statement.

May I be allowed to add one consideration more? In a very pregnant chapter on ship-fever, Dr. Trotter, physician to the fleet in the latter part of last century—one of England’s many forgotten

* See Barker and Cheyne’s Report on Fever in Ireland.

medical worthies—expresses himself in these memorable words:—“Contagion is a subject of the highest moment that can fall to the consideration of a physician. By its operation the best concerted plans of fleets and armies may be baffled in a moment.”

What a ghastly illustration of this was afforded by the events of the Crimean war, all must remember. No one who studies that war from a medical point of view, and reflects on the enormous mortality—far exceeding that arising from all the casualties of battle—caused by cholera, dysentery, and other infectious plagues, can fail to see that infection had no small hand in its disasters—disasters which threatened for a time to imperil the position of England as a power in Europe.

If we bear in mind, in addition to all this, that the only hope of the mitigation or suppression of these scourges lies, from the very nature of the case, in that unity and universality of action which a central power alone can enforce, it becomes evident at once that the whole matter is one of national concern, and must be dealt with accordingly. But if all this be true, the question proposed for discussion is already more than answered. Medical science has not only defined with great clearness the conditions necessary to the prevention of infection, but has already, in some of the most deadly of its forms, pointed out the methods by which these conditions may be fulfilled.

On the other hand, as the death returns too plainly show, these diseases are not only still rampant among us, but are, for the most part allowed, if I may so speak, to work their will upon our bodies without let or hindrance. That Government may further beneficially interfere, and largely so in their prevention, is therefore not only clear, but may be shown, by every high consideration that can move the statesman, to be one of the most urgent needs of our people. But to do this with effect, our present Government machinery must be greatly enlarged, and endowed with new powers;* with power above all, to abrogate finally, and at once, the permissive character of our present sanitary legislation: to do away once for all, in short, with that form of liberty to which some communities appear to cling with such tenacity, the sacred liberty to poison not only themselves, but their neighbours also.

In this matter, however, I particularly desire not to be misunderstood. However much I may have myself differed at various times

* I am far from meaning by this that in matters of detail our sanitary legislation should be made more stringent than at present. On the contrary, the Sanitary Act of 1866 has always appeared to me to trench on the liberty of the subject to a degree that one would scarcely have supposed likely to be tolerated by a free people. My friend Mr. Davies, the distinguished Health Officer of Bristol, who is constantly acting on its provisions, tells me that with the exception of what relates to the establishment of Fever Hospitals, a part of the Act that requires amendment, these provisions give him everything he could desire for preventing the spread of contagious diseases. It is in the highest degree reassuring to hear from the same practised authority, that he scarcely ever finds, on the part of the people who are the subjects of them, any difficulty in enforcing these provisions.

from certain sanitary doctrines promulgated by the Government, through the General Board of Health and the Privy Council, I have always been foremost in applauding the endeavours of these two bodies to abate disease among us.

In helping forward what was formerly considered to be nearly the whole sum and substance of sanitary reform, and must always remain the essential basis of it—good drainage and pure water supply—the first of the two did a good and a lasting work for the nation. In the two most perfect of all its achievements, the suppression of the cattle plague and of sheep's small-pox by the adoption, tardy indeed but ultimately complete, of principles that had already been successfully acted upon in foreign countries, the Privy Council on the other hand rendered a threefold service to the country. To save by direct sanitary action millions of money, or of money's worth, was a great practical result which every one can appreciate. To show how cheap a bargain it may be, even in pounds, shillings, and pence, to make large present pecuniary sacrifices in view of such a result, was a lesson never to be forgotten. To place before the people in evidence, which being experimental, speaks for itself, and which none can misinterpret, the great truth that the living bodies of the infected are the soil in which the poisons of infectious diseases are bred and multiplied, and that the destruction in one way or another of the poison thus generated, in each case, is at once the one needful, and the all sufficient condition for the extinction of the particular pest, was to furnish a spectacle, the teaching value of which it is almost impossible to over-estimate.

And although this consummation was attained in the case of the domestic animal by measures which cannot be entertained in the case of man, the scientific inference to be drawn from their success is not the less clear. For it need scarcely be said that the action taken in stamping out the cattle plague was not only based, but depended for its success, entirely on the principle here enunciated, that this infectious fever—which in essence differs no more from other infectious fevers than one sort of pea differs from another sort—is exclusively self-propagating, and that the already infected body is the sole source of the poison by which the plague spreads.

Other circumstances concurred to make the issue still more instructive. The partizans of spontaneous generation had, as usual, been busy with their inane and sterile suggestions, and the usual fatal indecision had followed. After more than three millions' worth had been wasted in deference to this empty figment, common sense resumed her sway, and the enemy was speedily crushed. Let us at least profit by this memorable lesson, and take care not to be led again into a gigantic waste of national resources by the impotent counsels of this same school.

But, to return to our subject. While the operation of our Government in checking infection has been, on the whole, large and beneficent—as an instrument for coping even with those among the infections which are known to be most under our control, its present

organisation is obviously inadequate. So true is this, that the eminent gentleman who administers the Department with such distinguished ability is at this very moment in the field, strenuously agitating for an extension of its powers. The enemy is on every hand, ever active and ever shifting its ground, but, except in great emergencies, the influence of the Privy Council, here in the provinces at least, is only felt once a year, with the issue of its annual Reports. Infectious disease is inexorable, relentless. The force we have to combat it with has, except under special conditions, not even the power to enforce its most vital recommendations.

All this is easily understood. Our Health Department has grown up, like many other English institutions, with no very distinct views as to the scope of its future work—certainly with no distinct aims as to the prevention, by the methods now in vogue, of the great group of diseases we are here discussing. So far from this, much of its time was spent in its early days, as its annual Reports show, in unceasing endeavours to prove that, except in the case of small-pox, and one or two other types, infection itself was a delusion and a snare—little better than a superstition, in fact, inherited from the dark ages.

To give point to what has gone before, I will conclude by citing two infectious fevers in whose prevention the action of the Government might be at once largely extended with signal advantage to the community. I speak of typhoid fever and small-pox. Typhoid fever offers, perhaps, the most striking of all the illustrations of the several positions I have endeavoured to establish. Not only is the law of its propagation perfectly known, but the excreta by which, almost exclusively, its deadly germs are sown through society are, on their issue from the body, almost entirely within our power. To disinfect these excreta, and everything that may become tainted with them, is almost infallibly to prevent the fever from spreading—is quite infallibly to prevent it from spreading wide.

This I state not as a theoretical conclusion only, but as the result of actual trial of this method, under conditions often singularly calculated to put its efficacy to the test. From circumstances, which some among my hearers may perhaps understand, my own experience in this matter has been exceptionally large. I can therefore speak with absolute confidence on the point. Having employed the method referred to for a very long period now, among people in every rank of life—the lowest included—in town and country, in private houses, in schools, and in other great public establishments, I have never known it fail in a single instance.

No doubt that among the very poor there is great difficulty in insuring the execution even of so simple a thing as this, with the completeness essential to success. But allowing for all shortcomings, nothing in medicine, I believe, is more sure than that the universal adoption of disinfection in the way here recommended would be immediately followed by an enormous abatement in the prevalence of this fever, and a corresponding diminution of the

mortality from it. If the method were carried out with the completeness which science prescribes, I can myself have no doubt that the disease would soon become a pathological rarity, and eventually disappear from the death rolls. This being so, or making allowance if you like for what may be supposed to be more or less speculative in these statements, what are the facts? The returns of the Registrar-General show that 18,000 English people, or thereabouts—a great army of men—perish every year of this disease, and in the great majority of the cases I fear it is but too sure that no single measure is ever taken to destroy the poison by which this enormous destruction of life is kept up.

I have given the number of the dead, but, as the mortality from this fever is about one in ten, some 140,000 more must annually pass through its protracted miseries. Fancy the loss of labour, the waste of resources of every kind, the sum of human suffering, all this must issue in. Being peculiarly, also, more fatal to people in full manhood—that is to say, to fathers and mothers—it is, as before observed, one of the great feeders of pauperism. By every title, therefore, this is a case in which the Government might further beneficially interfere in the prevention of infectious disease.

Having said thus much, it is only just to add that the action of the present Privy Council in dealing with this fever is excellent as far as it goes. The able gentlemen it employs always appear—of late years, at least—to do exactly the right thing. But as a rule this action comes too late. By a defect not chargeable on the Board itself, but inherent in our present system of sanitary legislation, it is only, for the most part, when an outbreak has grown to the dimensions of a great tragedy, that its help appears to be invoked. Turn over the pages of Mr. Simons's Annual Reports, and you will see that the dealings of the Privy Council with typhoid fever are a record of great catastrophes. What we want is to prevent them. With Jenner's immortal discovery in our hands, it may seem to be quite out of date to speak of any other measures for the prevention of small-pox. But I fear there is no disguising the fact that vaccination, inestimable beyond the power of words to express as its protective action really is, and ignorant and unreasoning as is the rising opposition to it, does not confer that absolute security against small-pox which it was at first supposed to give.

To its compulsory adoption I am myself prepared to give my most strenuous and uncompromising support. Were it universally and effectively done, I think the probability would be great that small-pox would become extinct. Indeed, if current reports can be trusted, such a result already seems to have been attained in the sister island by the universal enforcement of the present Act.

At the same time it has always been my own feeling, that whatever other safeguards we may have against infectious disease, nothing can absolve us from the obvious and imperative duty of destroying, if this can be done, the poison by which their succession is kept up.

Now, there is little doubt that in small-pox the greater part, at

least, of every new crop of small-pox poison may be rendered harmless by inunction and disinfection of the skin, after the method I have so long successfully employed in the prevention of scarlet fever.* For some time past I have put the same method in force in small-pox also, whenever the opportunity has arisen. The process has seemed to me to be advantageous to the patient in more than one way, while, by combining the oil or ointment with some antiseptic, the sickening smell, which is one of the most loathsome characteristics of this truly loathsome malady, may be almost entirely kept under.† On the other hand, by adding to their sense of security, I have found this same method to be a great comfort to the attendants on the sick. It has not, I believe, been anywhere generally employed. The statistics of small-pox unfortunately show but too well how wide is the scope for its application. In the year 1863, for example, it is recorded in the table I have already referred to, that very nearly 2000 persons died of small-pox in London. As the mortality is supposed to be about one in five of all attacked, there must have been some 10,000 cases of small-pox in that year in the metropolis alone.

If we call to mind what was said in the early part of this address as to the enormous amount of new poison often generated by a single case, we may form some idea of the mass of virulent matter cast upon society by these 10,000 infected persons. To me it seems perfectly clear that if in the small beginnings of this outbreak every new crop of poison had been destroyed as soon as produced, things could never have come to this pass, even under the then current neglect as to vaccination. Add to this precaution the early insulation of the sick, recently urged with so much force by Sir James Simpson, and our defence would be complete.

With these three great safeguards—vaccination, which, by keeping small-pox at bay, already gives us a great vantage ground; the timely separation of the infected; and the destruction by disinfectants of the virus bred in every new case—it surely should be no impossible feat for any civilised community finally to sweep this loathsome and deadly scourge from its midst.

I might easily adduce many other instances of the same kind, but as they would only illustrate the same principles of action I forbear. I shall better occupy what brief space remains to me, by stating what I should consider the most important things needed in order to give these principles effect.

First, and before all—and here, I purposely adopt, in part, the words of my friend Dr. Stewart, who has already urged this point with great force and effect.‡ A thoroughly efficient administrative

* "Scarlet Fever, and its Prevention." By W. Budd, M.D. London: Robert Hardwicke.

† Although this precaution could not well be made compulsory, the recommendation of it by the central authority would do much to render its adoption general.

‡ Dr. Rumsey's earnest and life-long labours in the same direction are too well-known to need particular mention here.

department of Government, presided over by a Secretary of State, for the superintendence of all matters relating to the Public Health, and armed with power to enforce the law on recusant local authorities, as also to compel the adoption by these authorities, as far as this may be possible, of whatever science may have made sure in the way of prevention of infectious maladies.

(2nd.) The compulsory appointment of medical officers, with salaries adequate to command the undivided services of able men, not only in large towns, but in rural districts also. These officers, (who would have a staff of inspectors under them)* to be furnished weekly by the registrars of the districts to which they are appointed, with duplicates of their death register† and by the Poor Law Medical Officers, as well as the resident Medical Officers of all public hospitals and dispensaries, with the earliest intimation of the occurrence of infectious disease in the same districts.

(3rd.) The institution of fever hospitals in towns, and of cottage hospitals, in the country, for the timely separation, where needful, of the infected from the non-infected.

(4th.) The issue to all Health Officers, Poor Law Medical Officers, and to the public generally, of sets of rules adapted to the prevention of all the great types of infection—these sets of rules to be drawn up under the authority of the central department.

(5th.) The appointment in every union (or other health area) of one or more nurses, versed in the methods and practice of disinfection—these nurses to be employed among the poor in the case of infectious diseases among them.

(6th.) The adoption of precautions for preventing, as far as possible, children sickening for, or convalescent from, these diseases, from mixing with other children at school.

(7th.) The suppression, as far as may be, of the great national plague of vagrancy.

(8th.) The abolition of the present evil practice of assembling large numbers of children in the out-patient waiting rooms of public hospitals; a practice which, as I can testify from my own experience, is a very fruitful means of spreading infection.

(9th.) The compulsory, permanent, disinfection (by self-acting apparatus) of the latrines and sewers of all public hospitals, and other places in which sick people are congregated.

(10th.) The establishment in convenient places in every union (or other health area) of depots of disinfectants of proved efficacy, together with printed, plain directions for their use.

(11th.) Instruction in all public schools, whether for the higher or lower classes (and above all, in girls' schools), in the laws by which infectious disorders spread, and the principles to be acted upon to prevent this spreading. And, more especially, the periodical

* In rural districts the duties of Sanitary Inspectors might easily be performed by the rural police.

† Unless—which would be still better, the Health Officers were made the registrars of death for their respective districts,

delivery (on the principle of the lectures on physiology, lately delivered by Professor Huxley to school teachers, with the sanction of the Privy Council) of short courses of lectures, imparting the same knowledge to school teachers, to trained nurses, and to sanitary inspectors.

I attach great importance to these last suggestions as helping to secure that intelligent co-operation of the laity in this great work, the lack of which every medical man must have felt to be his one great hindrance at present in the way of prevention. It is a suggestion that can be the more easily acted upon, because our knowledge of the whole subject is not only sufficiently advanced, but is of a kind that lends itself with peculiar facility to popular exposition.

And, lastly, I would mention the institution in all medical schools of special courses of instruction in preventive medicine. What I would propose, in short, stated in general terms, is more distinctness and concentration of aim, a wider and more active organisation, the dissemination through society of what is already sure in our knowledge of the subject, and lastly, authority in the central department, to give effect to this knowledge under the sanction of law.

Whether the public and the profession are ripe for all this may be a question, but that the time and the opportunity are, I myself feel very sure. The chief objection that will be taken to what is here proposed will, no doubt, be the expense it would involve. But beyond what is already incurred by our present establishments, and what will be incurred by sanitary works which the nation may be said to have already determined on, this need not necessarily be very great. The whole scheme may be described, in fact, as only the extension in a rather more perfect form, to the kingdom at large, of an organisation which has already been found to answer in particular places. Even in a money point of view, few things I suspect have ever paid better than the outlay which Bristol, for instance, has made, in the appointment of a health officer, assisted by an active staff, for the repression of disease among her citizens.

But whatever decision may be come to on these and other points, I trust it will be seen that it is only by acting on the principles I have here endeavoured to lay down that this great combat with infectious plagues can be successfully waged. By beating down these plagues wherever they appear, by crushing them in their small beginnings, by pursuing them into their strongholds, and rooting them out, by making every advantage gained the ground of new reprisals, by carrying on incessant, implacable, internecine war against them, as against our direct enemies, which in sober truth they are—we should soon see a great falling off in the number of their victims, and gradually pave the way to their extermination. No doubt, to many, such an idea as this will seem in the highest degree utopian; but to have any other is surely to take a very limited view of the power of the human mind, and to be strangely blind to the lessons its triumphs in other fields are every day teaching us.

That man, who is rapidly subduing all the most Titanic forces of the universe to his commonest uses, should always remain at the mercy of these ignoble things, is an antithesis too extreme to be permanent. The subjection of the powers of nature to our will has always seemed to me to imply, as a strictly correlative achievement, the putting the plagues of nature under our feet. No doubt there is a wide difference in the two cases, between the intelligence of those on whom the discoverer has to depend for applying his views to practice. But while this difference may be expected to lessen every day with the advance of popular knowledge, on the other hand the obstructive effects of present apathy and ignorance may be to a great extent got over, by wise and active combination.

Nor, in calculating for the future, must it be forgotten, that already, as before stated, we are able to point out the means by which many of the most deadly of the infectious brood may be held in check. Not to mention small-pox, Asiatic cholera, typhoid (*i.e.* enteric) fever, typhus, scarlet fever, and diphtheria may be enumerated as amenable to preventive measures. In regard to some of these, the discovery of the means of protection has been as unexpected as the means themselves are simple. Twenty years ago, what task could have seemed more hopeless than to prevent the spread of Asiatic cholera?

It would, no doubt, be wrong to speak too confidently of our success in combating with a disease which has made such gigantic havoc in our race without wider experience. To draw conclusions hastily in such a case would betray a levity that ill befits the scientific man. Nevertheless, if the experience we have had of cholera in Bristol can be relied on, this fearful pestilence, which has more than once covered vast regions of the earth, at once, as if with a funeral pall, and for whose abatement—in despair of human aid—prayers have been offered up to heaven by all churches, may be disarmed of its terrors, by measures as simple in design as they are easy of execution.*

It is only the other day, again, that the infection of scarlet fever was treated of by all writers on the subject as a thing which from its very subtlety necessarily lay almost entirely beyond our power. Now it seems to be in the way of being generally recognised that the spread of this disease may always be greatly limited, and often entirely hindered by a few simple precautions.† The limitation of diphtheria by precautions of the same nature is, in well ordered households at any rate, a matter of the greatest certainty. Of typhoid or enteric fever I have already spoken at length.

As regards the prevention of typhus, the experience of this town, if facts do not mislead us, is scarcely less encouraging. The universal efficiency of the measures adopted for the repression of this fever

* The reader may find a record of this experience in two small publications by myself. "Memoranda on Asiatic Cholera, its mode of spreading, and its prevention." By William Budd, M.D., Wright & Co., Bristol. And "Asiatic Cholera in Bristol in 1866." Kerslake & Co., Bristol.

† See Memorandum on the Prevention of Scarlet Fever, by the Metropolitan Officers of Health.

here, cannot, perhaps, be considered to be perfectly established until they have been tested by the occurrence of the disease in combination with a severe winter and wide-spread destitution. But, at least, there can be no doubt that we have not only already succeeded in Bristol, by help of separation and disinfection, in stamping out a very formidable outbreak of typhus, but my friend, Mr. Davies, has equally succeeded since, and is confident that he can always succeed in suppressing every fresh outbreak of it by the same means.* Extend what has already been found to answer locally, or in private hands, to the community at large, and a vast inroad will soon be made into the domains of these scourges. There is another consideration of great importance. The smaller the compass to which they are reduced, the easier, in rapidly increasing ratio, becomes their entire suppression.

Lastly, there must be noticed the result to be expected from the altered attitude of society towards them. In spite of the brilliant example of small-pox, the idea that infectious fevers are things to be put down, has scarcely yet begun to penetrate the national mind. By the greater number to get scarlet fever, or measles, is thought to be as much in the course of nature as for a child to cut teeth or for a young man to develop a beard. But when the whole people, aided by all the resources of science and of civilisation, instead of yielding themselves as passive victims to these disorders, are banded together with a fixed determination to put them under foot, there is scarcely a limit to what we may expect from their efforts.

The notion that mankind will one day be finally delivered from them, and that these loathsome entities will be eventually consigned to the same limbo which has already received the ichthyosaurus, the plesiosaurus, and other monstrous creations of a by-gone age, so far from being the dream of a visionary, is, in reality, a prospect to which we are justified in looking forward by the soberest realities. But even if we should fall far short of this consummation, I think enough has been said in favour of making these modern methods of preventing disease national in their application, to authorise us in concluding in the words which I have borrowed from an illustrious man for the motto of this address: "For the saving of human labour, and the avoidance of human misery, would be uncountable, if it were set about and begun, even in part."

On the Same. By WILLIAM HARDWICKE, M.D.

THE present time is peculiarly favourable for the discussion of the question here proposed. A severe epidemic of scarlet fever prevails in most parts of the kingdom, and continues to increase in the numbers attacked, and in the violence of its character; while relapsing fever has again made its appearance in London, and seems

* The arrangements by which this feat was accomplished were planned and acted upon with great zeal and ability by Dr. Brittan, Dr. Fox and Dr. Davies.

to show signs of abiding with aggravated conditions amongst the poorer classes during the approaching winter. Under the circumstances a discussion of the means to be adopted for the repression and control of the high rate of mortality resulting from contagious maladies, and of the cognate but more comprehensive question, "How are we to remove the cause?" becomes a public duty and is well worth the careful consideration of this Association. This subject is within the range of legislative action, and one which, if undertaken by members competent to the task, would indubitably affect the deliberations of the Royal Sanitary Commission now sitting, and whose report in the forthcoming year is looked for with interest.

The ordinary treatment of epidemic diseases is notoriously unsatisfactory, and very little success has attended the efforts of medical practitioners to check their spread, either in densely populated towns or in rural districts. Equally unsatisfactory, although not altogether insignificant, have been the results of sanitary legislation, as proved by the high mortality from contagious diseases in all parts of the country. General experience clearly testifies that nothing can more effectually prevent the invasion, or arrest the progress, of epidemic maladies than a systematic general action, which would bring within its scope districts adjacent to each other, and involve an amendment of sanitary law, so as to make individuals legally responsible for the dangers arising from the spread of disease—a principle already recognised in the vaccination laws.

The science and art of Preventive medicine (of which Epidemiology is a part) is one of those departments with which the general body of the medical profession ought to be more familiar than they prove themselves at present. Till this, however, is made a feature in our public medical school-teaching, and of medical practice, we cannot expect a change for the better.

In contagious diseases more than any others, the maxim holds good, that "Prevention is better than cure." Once they have become established, they run a well-known course.

The time has come, I think, when curative skill, applied to this class of diseases, has reached its maximum success, for it is now generally acknowledged that little can be done beyond lessening the duration and severity of accompanying symptoms; frequently, the most important function, indeed, of a physician is simply to watch and direct nursing duties and the management of the sick-chamber.

The most useful and well-timed medical advice is often tendered when there is no disease actually present; and, sometimes medical skill and judgment will be more esteemed, if directed to prevention, than any attempt to cure when disease has once become fixed.

To the general body of the medical profession, however, the public must ultimately look for sound doctrine with regard to Preventive medical service. I cannot see any difficulty in engrafting sanitary work upon the duties of ordinary medical practitioners, and of their having the benefit of payments both for curative and preventive measures.

As sub-officers in districts they would be entitled to fees or salaries for filling up certain requisite forms, or supplying information pointing out sanitary defects in houses or districts necessary to be investigated by the Health Officer, whose large area would perhaps not enable him to attend personally. This work would involve no more trouble than medical men often devote without any remuneration.

It is now well established that personal intercourse and contact with clothing spread these diseases with great facility; but it cannot be expected that one district will be fairly protected, and have the security it ought to enjoy, unless some general laws operate throughout the whole country.

One difficulty that meets us at the present time, is, that Officers of Health rarely obtain official information of epidemic disease, even in their own districts, until they see the death registered in the returns of the Registrar-General, when it is obviously too late to adopt measures for prevention.

The plan I propose is to have returns of all contagious diseases. This record would not only suffice for most practical sanitary purposes, but would render less urgent the need of a general registration of disease (which has for some time been looked upon as a necessity of sanitary organisation, and has very recently been advocated in connection with the Poor Law medical service). The legal registration of zymotic diseases, as the basis for an improved sanitary legislation, would, for many reasons, supply the place of a general registration of disease. One, it must be especially remembered, is that the zymotic diseases, in their various forms, constitute one-fourth of the deaths from all causes; and in dealing with these preventible diseases which demand special legislation, we can well afford to defer the consideration of a system of registration for all other diseases.

The diseases I would include among the list to be registered as contagious, pestilential, infectious or catching, are small-pox, scarlet fever, measles, typhus, typhoid and puerperal fever, whooping-cough, erysipelas, and cholera; perhaps, also, venereal diseases that occur in public hospital practice.

The machinery by which the spread of these diseases may be limited, would be certain amendments of our present sanitary laws, and of future enactments; changes which I propose to be made not only available for checking the ravages of preventible disease in general, but to prepare the way to a sound and intelligible system of sanitary police for the purposes of state medicine.

Having expressed my belief that a registration of contagious diseases appears to be the best means for effecting an improved sanitary organisation to mitigate or check these maladies, I will venture to indicate what I conceive to be its operation upon individuals and upon the community.

First. An Officer of Public Health, or a Medical Registration Officer, should be appointed in every town or district where at present no such officer exists. The present registration districts, one or more;

according to circumstances, being combined, would form suitable areas for his administration, and would be preferable, for statistical reasons, to the parochial or municipal boundaries. These appointments should be no longer permissive, but compulsory, and the duties attached to the office so clearly defined, that uniformity of action might be obtained. The reports of such officers ought to be annually presented to the local board, and would include certain returns to be forwarded to a central authority—either the Privy Council Office, or that of the Registrar-General, or a Minister of Public Health. I need scarcely add that these appointments should not be subordinated to local influence. In the Twenty-seventh Report of the Registrar-General some of the functions of a Registration Medical Officer are briefly enumerated (p. 184), and the advantages of employing such an officer in carrying out the plan I propose are obvious to any one who has considered this subject.

Secondly. It should be compulsory on this officer, or a responsible person in charge of hospitals, dispensaries, refuges, workhouses, schools,* and tenant-houses, to prepare and keep a register open to inspection, containing the names and address of persons under their observation, or of cases under treatment for contagious diseases. These returns should be forwarded to the registrars of the district, or a competent sanitary authority at a central office, where they can be inspected or published weekly. I am fully persuaded, too, that the medical profession generally may in this matter render very essential service. They could, I think, without much difficulty be prevailed upon to keep a record of cases which occur in private families, cases which the medical registration officer would be unable to procure. The result of the information thus secured will effectually dispose of any excuse that may be offered for delay in the application of remedial measures, or for ignorance of the existence of the diseases. Penalties would, of course, be enforced for refusing to give the information required, or for neglecting to make the returns.†

* Your Vice-President, Dr. Lankester, justly remarks in his last report to the vestry of St. James, "Children absent from school from any contagion unforeseen should be reported. Ragged schools in particular are, in my experience, prolific of them. But it is the utter and entire carelessness of families with regard to the propagation of these diseases that causes them to exist and spread. Thus children are constantly sent to school with whooping cough. If they are not sent to school with measles or scarlet fever, children are sent from families where these diseases exist. Grown-up persons freely pass from diseased families to those which are free from them, and communicate the contagion. Clothes are carried from the families of tailors, milliners, dressmakers, washerwomen, and others, where infection exists, to families where previously there was no disease. The mind of the whole population needs to be impressed with the danger and fatal results of these practices before we can expect to control and eradicate zymotic diseases."

† A law has just passed the State legislature of Boston, Massachusetts, making it penal for the owners of tenanted houses let to more than one family to neglect to give notice to the sanitary authority, or one of its officers, of any person suffering from a contagious, infectious, or pestilential disease. In addition to this, the owner, occupier, or agent of such property or houses let to more than one family

Thirdly. I would suggest that the Officer of Public Health should, through an Inspector of Nuisances, or the police, cause inspections to be made, and if necessary report upon houses or premises where any infectious malady has been stated to exist; that he should issue notice to owners or occupiers of such premises effectually to cleanse, to disinfect blankets, bedding, bed-clothes, and wearing-apparel, or to destroy them at the expense of the owner, or if thought necessary, of the public authority; also that they should carry out sanitary orders, if possible, forthwith, or in the case of structural improvements, within a specified time; in default, to be subject to such penalties as are now in force under the Sanitary Act, 1866. The beneficial effect of such action upon the condition of the dwellings of the poor, and upon those who live under landlord cupidity, it is not difficult to foresee. At all events the plan will secure in most cases the cleansing of premises, the removal of filth and offensive rubbish, and the providing of proper receptacles for the same; will furnish a knowledge of the evils of over-crowding, if not effect an abatement of it; will indicate the defects in water supply, drainage, and ventilation; and will, in many other ways, be the means of converting places, now the abode of squalor, into habitations fit for our labouring classes. Demolishing them by the application of Mr. Torrens's Artisans Dwelling Act may even be advisable.

In conclusion, I would briefly mention a few other measures, in addition to a complete registration of zymotic diseases, by which legislation may limit the spread of contagious maladies.

(a.) Government might reasonably insist upon every municipal authority providing adequate means for personal ablution, and for the cleansing of personal apparel, by means of public baths and laundry or wash-houses. This has in principle been long acknowledged by the Act of Sir H. Dukenfield, 9 and 10 Vict., c. 74, passed in 1846, but, like so many other Acts which are permissive, it has not to a great extent proved beneficial. All schools attended by children of the lower classes should have ample means provided for personal ablutions. The organisation of a public laundry would materially assist in giving employment to numbers of females in washing, ironing, and mangling, and would afford inestimable benefit to all families now unfortunately compelled to do their washing in the close atmosphere of a room where they live, eat, and sleep.

(b.) Attached to the public laundry ought also to be the disinfecting and cleansing apparatus for public use, in accordance with provisions in Sect. 23 of Sanitary Act, 1866, where at a fixed charge clothes, carpets, bedding, furniture, &c., could be disinfected, either at the public expense or by payments from those who have means.

(c.) Sections 27 and 28 ought to be made compulsory in every large town, empowering the nuisance authority to provide a proper

is compelled to place his name and address on the entrance or door of such house or tenement, in order that the authorised officer may know to whom to apply or serve his notices.

place for the reception of bodies of persons who have died from a contagious disease, and corpses awaiting interment or a *post mortem* examination. Public mortuaries would offer an inestimable benefit to the families of those who now live in crowded lodgings, and who have to eat, drink, and sleep in the same room with the dead body for several days previous to burial. I need scarcely here again say these sections of sanitary laws are permissive, and consequently almost inoperative.

(d.) The general arrangement for scavenging and civic purification should be under the control of the Public Health Officer, subject to the approval of his Local Board or Sanitary Committee, and not as in general, under the surveyor of the district.

(e.) Hospital accommodation for patients suffering from contagious diseases, apart from the general and ordinary patients, has not been provided to the extent demanded. The Sanitary Act of 1866, Section 37, in some measure provides for this; and the Amendment of 1867, Section 10, gives power to pay for special medical services with consent of the Privy Council, but it has not been taken advantage of. I cannot see the desirability of special hospitals, except in very large towns; and even in most of these, the existing institutions and county infirmaries might easily be enlarged, and well adapted for the reception of any probable number that may require admission. Every local authority should always have at command special beds, or a ward for patients suffering from small-pox, scarlet fever, typhus fever; and the necessity of isolating persons suffering from such diseases, or persons nursing patients so suffering, ought to be legally insisted upon. In most instances an arrangement with the hospital or infirmary of a county or town would be the most desirable plan. The cost should be borne by the authorities out of rates, including a share in the expenses of the general management and medical staff. The establishment of cottage or village hospitals is also to be highly recommended. By this means we not only secure the best medical skill attainable for the sick which the neighbourhood can produce, but such a system withdraws the poor, at least for a time, from pauper influences, and tends to elevate them in their own estimation, and that of their fellows.

(f.) Venereal disease ought at the same time to be placed under special treatment, if cases come under the jurisdiction of sanitary police, as they will do when a more strict surveillance is given to prostitution by extending the Contagious Diseases Act of 1867 to the civil population as well as to the military and naval garrisons.

These few remarks, the result of my experience as a Medical Officer of Health, I have much pleasure in offering to the Health Department of this Association. I must however express my regret at the imperfect manner in which they have been conveyed.

DISCUSSION.

Dr. TRENCH (Liverpool), on rising to open the discussion, remarked that "*C'est toujours le premier pas qui coûte.*" As a Medical Officer of Health, however, he would venture to express a doubt whether government ought to interfere further at present in the prevention of infectious diseases. He would rather put the question thus—"Ought the government to frame laws which would interfere with the social position of the people, until the people have been educated sufficiently to give assistance to the government?" Indeed he did not think that any paternal government, on the continent or elsewhere, however tyrannical it might be, would give to medical officers such extensive powers as the advancing liberalism of the age had given to them in this country. What was the extent of those powers? He, as a Medical Officer of Health, was entitled to inquire how houses were occupied; not merely houses used for purposes of trade or profit, but houses which were occupied of necessity by two or more families. The necessity for such occupation was poverty. He was entitled to demand that all such houses should be registered, and he was himself called upon to measure the rooms of the houses, and to state how many persons could safely occupy them. Furthermore, he was empowered by the local authority which framed the bye-laws, to send inspectors, by day and by night, not, be it remembered, into a lodging-house where strangers might be assembled, but into the sacred recesses of Englishmen's homes. In Liverpool alone, he had 7500 houses at present under inspection by day and night. The power of interference given by the government did not end here, for he was entitled to bring up before the justices of the peace any of the poor people who lived in the sub-let rooms of these houses in the event of their being overcrowded; and the persons offending might be fined or committed to prison. This surely was government interference with a vengeance, and he did not believe it would be tolerated for a moment except among a people who were convinced of its necessity. Look at the Act of 1866. It first of all gave the local authority power to erect disinfecting apparatus, and to carry to them the clothes and wearing apparel found in infected houses. Further, the statute defines the whole method of what might be fairly termed government interference. These powers existed at present, but were they carried out? For his own part he believed that the people were not sufficiently educated to apprehend the necessity of carrying out the system in its entirety, especially as regards the seizure of clothing. In his opinion the government ought not to interfere further until those whose duty it was to be the teachers of the people were better prepared to aid the medical officers, and to educate the people for further interference. He had had to call attention in Liverpool to this very subject of the disinfecting apparatus, so little had it been made use of, and he was sorry to say that on that occasion he was under the necessity of passing an indirect censure on the members of his own profession, for he had failed to receive assistance from them in making known the existence of infectious disease. The action of the parochial authorities in Liverpool he considered was an example to all parochial authorities throughout the country in doing what they did to prevent the spread of infectious disease. They had done this thoroughly; and it was a very curious thing that in the recent scarlet fever epidemic it was not principally among the poor that the disease spread, but in the airy suburban districts. It appeared among the country people, who ought to have prevented it without government interference. The powers which the local authorities had of interfering appeared to him to be at present quite sufficient. The local authorities had the power to disinfect, and indeed it was a penal offence for any man to remove from a dwelling, whether it were his own or otherwise, clothes or materials which had been in contact with infectious disease. It was impossible by any government interference to force the people to follow the doctor's recommendations in case of scarlet fever so far as to destroy all emanations. When a death had occurred from an infectious complaint the survivors usually left the house, but they could not remove goods and furniture which had been in contact until they had been disinfected. To sum up, he would say that if medical men did their duty, if the clergy would exert themselves to make known the axioms laid down by the doctors, and if our publicists and journalists would give the public constant instruction on sanitary subjects, the

time might arrive when the people would be sufficiently educated to let the government interfere more than they did at present. But if the government interfered further before the people were prepared for more interference, and before there was the requisite machinery to carry the rules of the government into operation, it would only have the effect of bringing the government into disrepute.

Mr. T. D. DAVIES (Medical Officer for Bristol) said it showed great temerity on his part to differ from so high an authority as Dr. Trench, who had referred to the powers conferred by the Sanitary Act of 1866. Dr. Trench no doubt had in his mind the 35th section, which empowered the local authorities to make bye-laws. But how many, he should like to know, of the local authorities had availed themselves of that power, for the clause was permissive and not compulsory. For three years he had been vainly trying to get bye-laws passed under that clause in Bristol. He believed that a large number of the people of Bristol died of bronchitis from being subjected to the irritation of the lungs, caused by the smoke of the city, but nothing effectual had been done to prevent this. Under the Sanitary Act of 1866, the local authorities were empowered to erect hospitals with a view to prevent disease. The scheme was attempted to be carried out, but the legal authorities in London held that the managers of such hospitals could not refuse to accept the case of a broken leg, or any other case that might offer. This circumstance was in itself sufficient to hinder the erection of hospitals for preventing the spread of infectious diseases. Then, again, the want of a central authority was very much felt. They had "stamped out" typhus fever at Bristol, but their neighbours frequently sent them cases. They had had cases sent to them from Liverpool, Manchester, Ireland and Glasgow. Only a month ago a case came from Glasgow by railway, and the diseased person was sent to the Bristol workhouse, but how many persons he poisoned on the road it would of course be impossible to say. The same kind of thing happened in 1866 as respected cholera. The powers conferred on the local authorities with regard to disinfection were at present very limited, and it was extremely difficult to carry them out. In Bristol, if a case of typhus fever occurred, the diseased person was if possible removed, or, if he was a lodger, he (Mr. Davies) frightened all the other lodgers away. He put a cordon round the house, and when the party was either dead or removed, he caused the bedding, &c., to be destroyed; and here he might remark, the 22nd section of the Sanitary Act was found extremely useful. A man was kept on the premises until it was believed that the last germ of disease had disappeared. Typhoid and cholera—those dreadful scourges of the human race—were completely under man's control, and he had no fear of their becoming epidemic in Bristol, as long as the present system was carried out. He believed the Bristol Board of Health was equal to any in the kingdom. In conclusion, he would only remark that he should like to have a central authority constituted, in order to produce unanimity of action between different local bodies.

Dr. PEARCE felt much interested in the paper which had been read by Dr. Budd, especially as he had given an illustration, in the statistical table, of vicarious mortality. Dr. Budd had not, however, dwelt upon that subject. The table now exhibited showed that there was a law of vicarious mortality over which they could have no control by legislative enactment or the conferring of powers on local authorities. They could have no control over special visitations in certain localities of infectious diseases. The same law governed the visitations of epidemics all over the world. In the East the cholera cloud deposited its germs of disease. When one of these clouds appeared over a ship one-third of the persons on board her were sure to be stricken down by Asiatic cholera. Whatever government might do to prevent the spread of infectious disease, he was a mountebank who attempted by legislation to prevent an epidemic, by such means, for example, as the Compulsory Vaccination Act. To illustrate the law of vicarious mortality he would refer to the figures during the year 1838, which was the first year of complete registration at the Registrar-General's Office. It was also the year of the great epidemic visitation of small-pox. Well, in the year 1838 small-pox killed 16,268, and scarlatina 5802 persons. In 1840 the number of deaths from small-pox had diminished by 6000, while the number of deaths from scarlatina had increased by 12,000. In fine, it appeared that the mortality from scarlatina was always heaviest when small pox was absent, and always lowest when small-pox was present. He agreed with

Dr. Budd and Dr. Trench that we ought to do all we could in the way of disinfection, but he had great misgivings as to the propriety of Parliament constituting a central board, with ramifications all over the country, and a large staff of local officers and inspectors. He was jealous of such suggestions as Dr. Budd had made in his paper. He would rather rely upon the education of the people and the efforts of medical men in their particular spheres, and he hailed with great gratification and delight the proof that in Bristol measures of that kind were not neglected, and that when not neglected they were found effectual. He cited statistics of the Plague of London, from 1604 to 1611, to show that there were two points connected with this subject of infectious disease; first, its incidences and locality, and the particular cycles in which those incidences occur, and, secondly, the mode of preventing it by all means which were in harmony with the teaching of the law officers of health.

Mr. W. H. MICHAEL said he understood the gist of the argument of the last speaker to be that, as diseases are vicarious, and as one takes the place of another, all methods for the removal of disease must be useless. He would commend to Dr. Pearce the study of the statistics of what had been done in the city of Salisbury, and likewise a course of study as to the duration of life in the middle ages and at the present time. If we had all over the country such gentlemen as Dr. Trench, and such corporations as that of Liverpool, such gentlemen as Mr. Davies, and such local boards as that of Bristol, he should think less of the necessity of remodelling our sanitary laws. As a legal man, who had had long and almost daily experience in carrying out every branch of our sanitary laws, he must say that at the present time it was a perfect impossibility to execute those laws for the benefit of the country. He had been successful in obtaining the appointment of the commission which was now inquiring into the present condition of our sanitary laws. One great question to be considered was this—and it was one on which he thought an opinion could not be too often expressed at these conferences—“Is sanitary law to be permissive or compulsory?” That was the great question for them to solve. They ought to accumulate their data around that central point, and to express with a decided voice their belief that the legislature ought to compel persons to act in such a way that the public health should not be sacrificed by their neglect of ordinary precautions. Great mortality was found, not in our large towns only, for the highest rate of mortality was to be found in spots where nature had been most lavish of her beauties. It was in isolated farm-houses that fever greatly prevailed, and until we entirely remodelled our sanitary laws, and divided the whole country into districts, presided over by health officers adequately paid, no improvement could possibly take place. In his opinion this Association ought never to rest until it procured from the government, which was unwilling to make any change, at least the appointment of an Under-Secretary of State to preside over a Department of State Medicine. At present our laws were most cumbrous. We had, indeed, a sanitary law, which, if it could be carried out properly, would confer inestimable benefits on the community. At first it was imagined that the greatest of those benefits would result from the forty-ninth clause, which empowered any inhabitant to put the Secretary of State in motion, and get him to remedy that which was producing disease and death. It happened, however, that that clause was so imperfectly worded that when the Secretary of State had issued his order to have the requisite works executed, he had no power to raise the money wanted to defray the cost. One would naturally imagine that when another Act was passed this glaring defect would have been remedied, and ample powers given to the Secretary of State. But even after another Act had been passed in the following session, it was found that it had conferred no authority for raising the money. Indeed a third Act was passed and that also was inadequate. He would content himself with remarking that bye-laws might be made after the most anxious consideration, and assented to by the Secretary of State, and yet the Court of Queen's Bench might subsequently declare them illegal, in which event all the expense incurred would have to be recouped from the moneys belonging to the corporation or the Local Board of Health. In order to guide the action of the commission which was now sitting, he wanted this section of the Association to express an opinion on the following points—That compulsory and consolidated legislation was essential, and that, whatever legislation might be attempted, the education of

the people in the first principles of health and disease was indispensable, if good results were to be secured.

Dr. RUMSEY (Cheltenham) said he would not attempt to follow Dr. Budd, who in his very able paper had nearly exhausted the subject. There were, however, one or two points which cropped out from his address, and which had been the means of eliciting very important opinions from his audience, and in particular from Dr. Trench. As there was an apparent antagonism between the position taken by Dr. Budd and that assumed by Dr. Trench, he hoped he should be permitted to say a few words on the subject. Dr. Trench objected to government interference being carried to such an extent as was advocated by Dr. Budd. Now he ventured to suggest in modern phrase that there was centralisation and centralisation. Power might be centralised in two or three different ways. In one way it might be extremely objectionable, while in another it might be very useful and beneficial to the community. The kind of centralisation to which he, in common with Dr. Trench, objected, was that which would vest all power of compulsion in a neutral metropolitan board, existing, very probably, as an organ of party government, and at all times open to the grave objection that the more complete the action of such a board might be, the less earnest and zealous would be the exertions of the localities. In other words, the localities would be tempted to neglect their duties to a certain extent. But, having made that admission, he was far from going the whole length with Dr. Trench. To postpone state action till the people were educated would, in fact, result in their being kept in ignorance. Such a course would amount to a reversal of the great principle of "aggressive policy" started by Dr. Chalmers. When the people were uneducated, and ignorant of the laws of health, or of the laws on which public morals are founded, they must, until taught, be forced to obey those laws. As he had just remarked, there were two kinds of centralisation. We might, for instance, have a multitude of centres in the country instead of one. Indeed, we might have too great a multitude of centres. But, still, was there no medium? Were there not counties in England, and could we not, by a judicious arrangement, obtain much wider districts than now existed for organisation, and for the appointment of skilled officers? He believed that was the very object for which they were all contending, namely, that there should be an organisation, which, without transferring everything to a central board, should plant centres throughout the country, so as to ensure the proper administration of our sanitary laws.

Mr. CARTER thought we ought not to lose sight of the great educational influence of the law itself. The educational influence of law reached all classes of society, and he believed there was no influence more powerful in spreading a knowledge of sanitary duties than the practical teaching given by the decisions of magistrates and of the courts of law.

Mr. GEORGE GIBBS (Darlinton), coincided to the fullest extent in the remarks of Dr. Trench to the effect that compulsory legislation could not take place until the people were better educated, for in four successive years the legislature had passed no fewer than seven sanitary Acts, the result being a mass of confusion which necessitated the appointment of a commission to inquire into the subject. It seemed to him that any law which might be propounded would be partial and arbitrary, and would even amount, in some cases, to tyrannical oppression. The object of legislation was summed up in the word "isolation." Now, were the people prepared for isolation? If one of a man's children were seized with scarlet fever, must the law step in and take that child out of his house? Would its mother permit such a proceeding? No, certainly not. Or, if the child were removed, the question would arise as to whether its mother should go with it. In short, there were all kinds of difficulties in the way. We could not have any satisfactory and clear legislation on this matter until the people were educated to such a point that they would willingly receive it, and then they would no longer need legislation because, by that time, instead of its being requisite to have an officer appointed, with a large staff of inspectors, the head of every household in the kingdom would be a medical officer of health.

Mr. GEORGE GODWIN, F.R.S., said: I think it would be excessively unfortunate, and most disastrous, indeed, if the opinion went forth, as from this department of the Association that no further legislation was necessary in respect of sanitary

improvement. We are at this time in such a state of inefficiency, that we see in many directions a necessity for legislation. We have just been told more forcibly than ever, how very important a part water plays in the transmission of disease. Then we have learnt lately, more clearly than before, the way in which the people are being poisoned by impure food, and that, therefore, the government ought to interfere to render acts of adulteration punishable. We are just beginning to find out that our Acts of Parliament are contradictory. The existing statutes require codifying and re-arranging, and the government ought to interfere at once and give us this re-arrangement. And yet the notion is entertained by some members that no action is necessary on the part of the government. I look upon Dr. Trench's speech as one of the greatest value, rather, however, as a satire, and as a reproof to some among us. I think, with great deference to Dr. Pearce, that his opinions have a most dangerous tendency. Dr. Trench said, "Let publicists teach the people." Well I, for one, have endeavoured to do so, and to make the truths of sanitary science widely known. I regret with him, however, that efforts in this direction are not more fully appreciated. I can echo every word he said with regard to the clergy. I made a similar remark about the clergy on a former occasion, and brought a hornet's nest about my head, as he probably will. I trust, however, that those gentlemen will soon be led to see how they may aid in preparing the populations to receive the great truths they have to teach, for in the miserable holes which the poor inhabit, with bad food, bad water, and, as a consequence, ill-health, morality and religion are out of the question. They cannot be good if they would. This fact is not preached by the great organs of the press, nor urged in the pulpit—that enormous engine for good. An immense deal has been done in Bristol, and I believe that Mr. Davies has an excellent Board of Health. The improvement in the death-rate is very considerable, but still I do not think that more ought not to be done. I have seen in Bristol—and this is not my first visit here—some most frightful places where a good state of health is certainly not possible. For example, there are the pests near the cathedral and the gas works. That quarter I visited this morning, in company with a gentleman who knows it very well, and I there found men, women, and children herded together in small low rooms without windows. There is no supply of fresh air, and if an epidemic were to break out in that quarter, it must carry off large numbers of the inhabitants. No doubt the Board of Health, and the Medical Officer, find it difficult to deal with that place, but they are, nevertheless, bound to do so, and if they have not sufficient powers already, the legislature ought to give them additional powers.

Dr. TRENCH said he considered that every person might beneficially interfere for the prevention of the spread of infectious diseases, but the question at issue was, whether further interference on the part of the government was at present desirable? For his own part he was decidedly opposed to the government going any further, as it had already gone far enough tentatively. Jove ought not to be asked to help the waggoner until the waggoner had shown that he had done his utmost to help himself.

Dr. W. BUND (Bristol) in reply to Dr. Trench said, it appeared to him that the ignorance of the people furnished the strongest of all arguments for the extension of the powers of the government, which it should be borne in mind represented the enlightened opinion of the country. Dr. Trench had dwelt with great force on the difficulties in the way of carrying out the Sanitary Act. The experience of Mr. Davies, however, led that gentleman to a totally opposite conclusion. Mr. Davis found that despotic as were the powers conferred by the Act of 1866, the people were perfectly willing to acquiesce in them, and that the difficulties were like angel's visits, very few and far between. He did not find any fault with the Act for not conferring sufficient powers, his objection simply being that the statute was a permissive and not a compulsory one. That was a fault which went to the root of the whole matter.

Dr. LEWIS (Bridgend) said his opinion with regard to the advisability of further government interference was altogether different from that expressed by Dr. Trench. With regard to Mr. Davies, it might be gathered from that gentleman's remarks, that he sometimes took the bull by the horns, and when the words of the Act were doubtful, he was in the habit of giving them rather a free transla-

tion. For this reason he also might consider that the present laws were sufficient. We had, however, to deal in various parts of the country with individuals who were disposed to resist as far as possible the carrying out of the law. He himself was unfortunately situated in such a district, and he could assure the meeting that he had very great difficulties to contend with. For nearly ten years he had been vainly endeavouring to get a supply of pure water for the poor, but the resolution which he proposed as a member of the Board was invariably negatived, although the necessity for procuring pure water was now acknowledged. The Board of Health objected to spend money, and he therefore wanted government interference to make them spend it, in order to secure the health of the people.

Mr. Richard GIBBS (London): He was sure the members of the faculty would not be offended if he said they were all apt to fall into a certain groove, and therefore it was a misfortune that they had not the company of persons who could set them right. It had been alleged that there had been an immense outlay to very little practical purpose. He was sure his friend, Dr. Pearce, had been misunderstood as having desired to stop legislation altogether, merely because he referred to the law of vicarious mortality, which must be familiar to every medical man. He could not fail to be aware, however, that a very large proportion of the medical profession had already expressed a jealousy of that Commission and their want of confidence in it. On this point he would quote a leader in the *British Medical Journal*, the writer of which said—"When the report appears it will be considered infallible by one party and worthless by the other." If that should be the case, he thought that it would be safer to await the report of the Royal Commission before they proceeded further.

Dr. MACMILLAN (Hull) said: Having formerly been a member of the local Board of Health at Hull he had arrived at the conclusion that an immense amount of money was spent, and that very little was got in return. How far, then, could this unnecessary expenditure be prevented? How far might the government interfere, and how far should local influence be allowed to exercise its proper rights? Until recently the people of Hull had no supply of pure water, but they now got abundance of it from an artesian well. He regretted to say, however, that owing to the low position of the town the drainage was intermittent, and that in consequence of the value of land the population accumulated in some parts of the town to a dangerous extent. It was true that a sanitary law existed, but how, he would ask, could it be put in force? Its application was optional, and the municipal authorities were the parties who could put it in operation. But the standard of our municipal authorities had been gradually going down. Many persons were admitted to these municipal Boards, who themselves required to be educated up to a certain standard. Many of them were certainly not "the right men in the right places." How, then, could alteration be effected in this state of things? In his opinion application ought to be made to the government, and a Board established which should be independent of local influences. Local Officers of Health ought to be appointed, with good salaries, under the supervision of the government. He did not care to wait for the report of the Royal Commission, as all the gentlemen present knew how far the existing Acts of Parliament were put into operation in the towns which they respectively inhabited. He felt sure there was a great want of a paid medical authority in every large town. In the medical profession there were some aspirants for municipal honours, and of course when they attained them they readily gave their opinions respecting all matters affecting the public health. The rate-payers consequently asked themselves the question, "Why should we pay a medical officer?" He felt convinced that this branch of the Association ought, in very strong terms, to express its opinion that some improvement was required in the action of the government with regard to the local authorities who put in operation the various sanitary laws.

Dr. BAYLIS (Medical Officer of Birkenhead) said the subject had been so well discussed that he should have forbore from making any remarks had there not arisen a difference of opinion concerning the desirability of extending government interference. It would, he thought, be unfortunate if it were to go forth to the world that they were divided in their counsels. Dr. Trench had, in some measure, supported the opposition to the extension, but he thought that if his speech were well examined it would be found not to have that solid structure

which some subsequent speakers had ascribed to it. Dr. Trench said in effect—"There is great difficulty in working the present sanitary regulations, and that before we make any more we ought to educate the people." Now, on the first point, Dr. Trench was, no doubt, a very high authority, but on the second, he was no more an authority than any other person. What was required was a law that might be really beneficial, and from whom, he would ask, could such a law proceed, unless it were from the intelligent portion of the community? If the subject were a scientific one, those most intimately acquainted with it ought to be consulted, and medical men were certainly the class who best understood the particular subject now under consideration. They all agreed that zymotic diseases could be very much modified. They were caused in part, no doubt, by the drinking habits and the poverty of the people, but they were also induced by the existing state of law, which permitted the erection of dwelling houses not fit for pigs to live in. Was that a condition of things to be tolerated? Lately, we had an invasion of cattle disease, and now there was another similar invasion, though of a milder character. Well, the landed interest of this country were strongly interested in preserving the cattle, and they accordingly began to legislate on the subject without delay. The result was, that before two months were over a law was passed enabling them to slay every beast that was seized with the disease. Was the same attention paid to the health of the people? He thought no one could conscientiously say that there was. Ought they to wait for the people to be educated how to take care of their health? When that came to pass a law on the subject would be superfluous. Ought we not rather to make use of the intelligence of the age, and of the great attention which has been paid to the investigation of the principles of public health by medical men in order to save the lives of our population? He spoke with some experience in this matter. The population of Birkenhead was between 40,000 and 50,000. A Medical Officer of Health had been appointed there within the last five years, and during that period the death-rate had been gradually and slowly reduced. Now, if only one life per thousand were saved in consequence of the action of the medical officer, about fifty lives were saved annually in Birkenhead alone. Then, again, what an amount of sickness was prevented, because in some diseases there were as many as fifty attacked to every person who died of it. On looking at the importance of this matter, all petty quibbling about putting the law in force ought to disappear. Although he supported the extension he did not advocate the granting of extreme powers. One thing was, however, absolutely necessary. Those large communities which had suffered much from disease had appointed Medical Officers of Health. Great good had been done thereby, but at the rate we were going on how long would it be before the whole of the country was provided with medical officers? That result could, in his opinion, only be brought about by the government making their appointment compulsory. It was equally necessary that the legislature should make the laws compulsory instead of permissive.

Mr. GODWIN moved the following resolution, which was carried by a large majority:—

"That this meeting is of opinion that not merely can government beneficially interfere in the prevention of infectious diseases, and the general promotion of sanitary reform, but that it is imperatively called on to arrange and simplify existing statutes, to make sanitary legislation compulsory, and to assist in obtaining for the people pure air, pure water, and pure food."

Mr. MICHAEL moved as an addition—

"That in order to secure the efficient action of sanitary law it is desirable that a special department of the State be created for the supervision and regulation of the public health."

The resolution was put to the meeting and carried unanimously.

UNCONTROLLABLE DRUNKENNESS.

What Legislative Measures might be proposed to deal with Cases of Uncontrollable Drunkenness? By J. A. SYMONDS, M.D., F.R.S.E.

IT is well known to every one here that persons of unsound mind are liable to come under the operation of the law. The enactments respecting them have three objects in view.—1st. The safety of their lives, together with the security of their families and of their property. 2ndly. The protection of the public from the possible acts of insane persons; and, 3rdly. The provision of means, whereby their mental disorder may have the best chance of cure or diminution; so that the law contemplates protection, repression, and curative treatment. Now, it cannot be denied that a person in a fit of intoxication is in a state of unsound mind. Yet if his fits have definite intervals, it is impossible to bring him within the scope of the laws of lunacy; and, even when they recur so often that the individual exists in a state of all but continuous drunkenness, it is extremely difficult to apply to his case the protection or coercion of those laws. The afflicted persons who fall within their operation are (*a.*) those whose unsoundness of mind is betokened by delusions, that is, insane beliefs; (*b.*) Or those who are congenitally weak in intellect, or whose faculties have become enfeebled, as in the dementia of cerebral disease and of senile decay; (*c.*) Or a class about whom there is often much controversy both in civil and in criminal courts; those whose unsoundness does not take the form of imbecility, nor of that which is most easily recognized as insanity, namely, intellectual derangement, but whose mental disorder consists in a perversion of the natural affections, in an exaggeration and perpetual predominance of passions which in the ordinary man are only occasional and of short duration—persons who in their conduct towards others, in the management of their affairs, and in their general deportment, and habitudes of action, show a degree of absurdity, violence, incoherence, and disproportionateness of feeling and conduct, so different from their former characters, so deviating from the behaviour and feelings of men in general, that they are justly held to be of unsound mind, at least by those who have paid most attention to the limits of sanity and insanity; or, we might rather say, by those who have surveyed and examined the debatable ground which lies between mental disease and mental health. This kind of insanity was particularly studied and discriminated, and named moral insanity, by Dr. Prichard, of whose renown, though it is co-extensive with the whole civilised world, we in this city have reason to be especially proud. It corresponds to the *manie sans delire* of M. Pinel, and to the emotional insanity of more recent authors. Some have criticised the epithet of moral as being too limited, there being many cases in

which the emotions acquire a morbid excitement, begetting insane conduct without specially involving feelings and actions pertaining to right and wrong; but I apprehend that Dr. Prichard used the word *moral* in its etymological and philosophical meaning, as derived from *mores*. Now, every one who has followed the disputes in our legal courts must be aware that the debatable cases generally belong to the class which I have so briefly and faintly sketched; and I have ventured to call particular attention to this species of derangement because the cases which belong to it are closely allied to those which are to be the subjects of the present discussion. Within this class also are included those strange forms of insanity which begin and end in impulses, apparently unexcited by the motives of ordinary passions or cupidities; impulses to grossly criminal acts, suicide, homicide, arson, and the like. To this list has been added of late years dipsomania, which is intended to signify insane craving for alcoholic drink; a name badly composed, since thirst (*διψος*) belongs to any kind of liquor.

The question on the discussion of which this department is about to enter, is a very difficult one for those who do not admit—as many legal authorities have refused to admit—the existence of moral or emotional derangement: for alcoholic insanity in its chronic form chiefly involves the feelings, passions, volitions, and actions, and does not prominently present faults of judgment and errors of understanding, unless during fits of drunkenness. But those who have had most experience of the emotional form of insanity are increasingly impressed with the belief that though in such cases the most flagrant manifestations of mischief are presented by the feelings and actions, yet that, in less obvious degrees, a careful scrutiny will detect intellectual faults and perversions. Indeed, it would be strange were this not the case. It would be strange if, while the mind, in its ordinary action, has the personal entity, affections, sentiments, perceptions, and associated ideas so bound together in every phase of its life—it would be strange if in derangement the disorder did not extend on the one hand from insane belief to the passions, and on the other hand from morbid passions to the belief and the operations of the understanding.

But to pass to that which immediately concerns us. Is it not incumbent on the legislature and government of a civilised community to provide means of restraining or protecting persons who, by habitual indulgence in alcoholic drinks, put themselves into the category of insanity? Almost every member of this assembly must have had cases brought under his notice from the labouring classes, in which a family has been reduced to destitution and misery, and in which the wife and the children have for years been subject to continual perturbation and alarm, and often to absolute cruelty, because the father of the family, during the greater part of the time which he has been able to steal from his employment, has by his vicious habit deprived himself of the power of self-government, in fact reduced himself to a condition closely bordering on that of a maniac

or an idiot. But there are analogous cases in every grade of society. The peace of families has been destroyed, and they have been thrust from the enjoyment of all the comforts and even luxuries of refined life into absolute penury, because the head of the family has damaged his brain by habitual intoxication. It is unnecessary to take up the time of this meeting by describing the different forms of dipsomania ; whether it be the case of the man who rushes into a rapidly succeeding series of fits of drunkenness, during which he becomes an unsafe member of society, however sane and well-conducted he may be in the intervals ; or a still more serious case, in which a man renders himself, in consequence of his deleterious habit, the subject of the well-known disease, delirium tremens, in frequent accessions, every one of which leaves the brain more gravely injured than at the beginning of the attack ; or the case of him who, without becoming the subject of delirium tremens, has so weakened his judgment, so obscured his perceptions, so altered his character and conduct in moral, domestic, and social relations, as to have become intolerable as a companion, despicable by reason of his mental degradation, or dangerous to himself and every one around him ; or the case of one who, by his habit, has brought his brain to such a state of irritability that he becomes liable on occasions of slight moral provocation, or of what would once have been moderate alcoholic stimulation, to sudden attacks of fury or such ungovernable impulses as may drive him to homicide or suicide ; or, lastly, the case of him who is reduced to sheer silliness and incapacity for performance of the duties of life. When we contemplate these cases, have we not, as a soi-disant well-ordered community, reason to blush with self-reproach that up to this period of the nineteenth century, with all its intellectual and moral culture, and its singularly advanced philanthropy, our laws have done nothing effectual to guard society, families, helpless women and children, and the wretched offenders themselves, against habits so odious and despicable, by any adequate restraint or deterrent penalties? Some of us might feel ashamed that no check should have been imposed by our laws on the facilities for alcoholic intemperance ; or that there should have been so insufficient a legal recognition of the criminality of intoxication, as that which is implied in the adjudication of trifling fines ; but what we have to consider now is whether the habitual drunkard ought not to be treated as an insane person. I myself, from all that I have seen and known, and from all that I have read on the subject, entertain no doubt whatever that he should be so treated ; that a person who cannot, or who does not, resist temptations to put himself frequently into a condition which, for the time being, is indistinguishable from insanity, should be liable to the operation of the laws affecting lunatics, and in fact to the deprivation of the liberty of which he has proved himself to be unworthy. I can see no reason why it should not be certified of such a person, that because of his proved habits of intoxication, and all that is involved in those habits, he is, according to the legal formula, a person of unsound mind, and fit to be confined.

I, of course, pronounce the habit to have arrived at such a degree as to deserve the epithet inveterate or morbid. Instances have repeatedly fallen under my observation about which I felt confident that legal restraint would afford the only chance of redemption, but, alas, at present this benefit is not to be had. To obtain it no one will venture to strain the law, or run the risk of an action for false imprisonment. Sometimes, after more vicious indulgence than usual, and as its consequence, a period of collapse and debility, or after escaping the peril of a severe seizure of delirium tremens, I have found individuals in a wonderfully edifying state of penitence, and willing to consider any plans for their reformation, whether solemn vows and pledges, or a voluntary surrender of their liberty for a probationary period; but the penitence has but too often been only a prelude to a fresh burst of debauchery.

It seems childish to talk of a right to undisturbed liberty, or exercise of civil rights on the part of such insane and incompetent persons, but in what manner is it desirable that such restraint as I advocate should be enforced? Shall these unfortunate persons, to use a charitable euphemism, be sent to prison as offenders against society? Or, with a view simply to detention and security, shall they be placed in a lunatic asylum, where they may be protected and cared for as if they were only afflicted persons? Or shall they be consigned to an establishment specially designed and organised for the accommodation and reformation of dipsomaniacs? These are questions for consideration and debate hereafter. They involve many difficulties. And before they could be entered upon, it would be necessary to inquire, whether there should not be some differences made in the application of the law, according to the form in which the vicious habit or unfortunate disease presents itself. There can be no doubt that the cases do somewhat differ. The most important difference is that which depends on the original constitution of the drunkard. In some the morbid craving for drink has come in sequence to long years of excess, during the greater part of which time, the individual, in his sober moments, was as healthy-minded as most people, and able to resist, had he chosen to do so, the seductions of conviviality, or the temptation of the solitary enjoyment of the bottle. But in other instances the offenders have by original constitution, and frequently they owe it to inheritance, a susceptibility of the brain, which renders them liable not only to be easily deranged by alcohol, but also to contract the alcoholic habit in a much shorter time, partly from an overwhelming sense of nervous depression, and partly from the yearning for that spur of excitement and animation, which alcohol has the power of applying to their languid and listless existence. These and other differences will doubtless be studied and provided for at a future time. Moving in a parallel direction, there will be other social improvements, rendering what we have in view more easy of accomplishment; for instance that to which I shall have to allude to elsewhere—the development of State medicine to a higher degree of organisation than it now possesses, under the administra-

tion and direction of a specially educated body of State medical officers. But what falls particularly to the consideration of this Department now, is the question whether habitual drunkards or dipsomaniacs should, as I have said, be made the subjects of legal interference and restraint. It is obvious that the practical subjection of such persons to the law would be more easy were our social morality more stringent. Even if the government or legislature do not think it just to interfere with the supply of temptation by restrictions on the sale of alcoholic drinks, one does not see why they should not impose stronger penalties on persons found in a state of intoxication. It would be no little good if, through a sterner action of the government, drunkenness could be denoted and defined, and denounced as a crime. It is already an offence against good society, but were it treated as a breach of the law, distinctness and precision would be given to what is now indefinite. Instead of being regarded as a state only a little removed from hilarity, conviviality, and good fellowship, it would become a crime and a shame, dragging the practisers of it within the scope of penal jurisdiction. It is to be hoped that such changes are not far off; but not many years ago they would have seemed impossible. The habits of society have greatly altered since the days even of our fathers; but though they are so much improved among persons of education and refinement, it cannot be said that there is a corresponding change for the better among the poorer classes. It would however be a great gain were the law more emphatically declared and administered against drunkenness, and were its enactments capable of taking into their net a modern Pitt or Sheridan as impartially as the ignorant sinners in the lower circles of the community.

A few words must be said in answer to certain objections, which are almost sure to be raised against what we are proposing. (1.) The measures might be held to infringe the right of liberty. This is not the place for discussing the abstract rights of man, but those who regard the rights of man as derivative from and correlative with their duties, will scarcely be inclined to allow any force to this objection, seeing that it is the duty of men to prevent others from running to destruction, or from becoming dangerous to society. Without entering upon theories of morals and of liberty, a practical view of the subject will make it evident that in the proposed action we contemplate only an extension to the sweep of the present laws; that we would bring the dipsomaniac, like other insane persons, within their protection and repression. There is no reason why fear should be entertained in the present day of the possibility of illegal imprisonment or detention. The public are quite sufficiently alive to any such danger, and indeed nervously apprehensive on the subject. Those who have had most experience of the working of the lunacy laws know well that, owing to their jealous but laudable respect for personal liberty, great difficulties have often to be overcome in obtaining the protection of the law for those who greatly need it. I have seen much of their operation, and my impression

is that for one person improperly detained, there are great numbers improperly at large, and in possession of what we term their liberty. (2.) Another objection is the expense which the country would incur. If so many persons are to be taken into custody or tutelage, it is said that you must build many more gaols and asylums. Perhaps, this necessity might arise at first, but I think it more likely that the requirement would be sufficiently met by additions to buildings, at present in existence, in the form of annexes, specially adapted to the tenants in view. In the case of drunkards, whose seclusion and curative treatment may require a long time, plans might be devised for utilizing their labour, and making the asylums to a certain extent self-supporting. And we may be almost sure, that places of retreat will spring up under private enterprise, whether in connection with private insane asylums or elsewhere, suitable to the wants of those who, belong to a class capable of paying for their advantages. Dr. Christison describes a charming retreat in the Isle of Skye, to which several persons have voluntarily resorted, in order to be broken of their wretched habit, or cured of their deplorable disease. But after all I do not think that expense ought to be an object to a nation that can afford to expend 50/., or more, in the projection of a single shot or shell, or to incur a debt of nine millions for an Abyssinian expedition, whether its object was to rescue a handful of zealous and imprudent travellers, or to impress on oriental minds how irresistible are British arms.

But the most serious objection to our scheme would be the difficulty of classifying the subjects on whom we wish that the law should operate. This will require much anxious consideration, but I apprehend that the cases would fall naturally under three principal heads. (1.) The casual drunkards, for whom the laws at present provide in a measure, though they are inadequately administered. (2.) The voluntary inveterate drunkards, who by rapidly recurring fits of intoxication become the subjects of delirium tremens, or even without this result reduce themselves and their families to pauperism and seldom behave otherwise than as madmen. 3. The helpless, imbecile dipsomaniacs, who require to be taken care of, and possibly ameliorated. To show that it is not a mere speculation or theory, that madness and drunkenness are closely connected, I will conclude these remarks with one or two numerical statements, for which I am chiefly indebted to my distinguished friend, Dr. Browne, one of the Commissioners of Lunacy in Scotland. It was found that at the Glasgow Lunatic Asylum, out of the number received into that institution during seven years, that is from 1840 to 1846 inclusive, nearly one-fifth of the cases were ascribed to intemperance, that is 375 out of 1900 cases of mania. M. Ksquirol found that out of 132 cases of mania, eighteen were owing to alcoholic excess. M. Calmeil, in speaking of that form of paralysis which is so often associated with or follows insanity, the form characterised by staggering gait and imperfect articulation, presents the history of

sixty-two cases ; of these twenty, or one-third, were the result of habits of intoxication. In melancholia Esquirol found that out of 372 cases, fifty-five, or one-seventh, were attributable to the like cause. M. Morel, the celebrated French writer on mental alienation, cites the observation of Dr. Halleran, that out of 747 insane inmates of his asylum, 160 owed their malady to drunkenness ; and M. Morel adds that these figures correspond with his own statistics at Mareville.

When insanity follows delirium tremens it is found to be most difficult of cure. It is said that half of the cases prove hopeless. Of suicide, which coroners' inquests usually and correctly throw into the category of insanity, it is recorded that out of thirty-eight cases, which occurred in ten years in Aberdeen, twenty were intoxicated before attempting self-destruction, and seventeen had the character of habitual drunkards. Out of 218 cases reported by Dr. Caspar, of Berlin, fifty-four, that is more than one-fourth, were produced by intemperance. Dr. Lombard, of Geneva, assigns drunkenness as a more powerful cause of suicide than rancour or disappointment in love ; the fates of 133 were determined by that cause. These latter numbers belong to what might be called the temperate nations, but Dr. Brown collected 1222 cases that occurred in Great Britain, and of these it appears that 158, or about one-seventh, sought their deaths under the influence of drink.

I have now only to remark, in conclusion, that whether success or failure may follow the prosecution of some such measures as I have so very imperfectly proposed, I cannot but think that it would be no little good to the people of these realms, were it made manifest that now at last their legislators, and governors, and well-wishers have come to the conclusion that the national drunkenness must be earnestly faced, fought with, and subdued, and were it authoritatively declared that drunkards will in future be treated either as criminals, or as persons not in their right mind, and therefore not fit to be entrusted with the privileges of free men.

On the Same. By W. T. GAIRDNER, M.D., *Professor of Medicine in the University of Glasgow, and Medical Officer for the City.*

THE following suggestions are the result of a professional experience which has led to the frequent and careful consideration (with a view to remedy) of the deplorable evils arising from drunkenness, especially in large towns.

To forbid altogether, or at least over as large an area as possible, the giving or using of intoxicating drinks is the usual remedy of the total abstainer. The difficulties hitherto observed, as being in the way of legislation founded on this principle, have arisen from the fact that a large majority of men, although fully alive to the evils of intoxication, are not in principle or in practice total abstainers ;

and at least until this state of opinion and practice is reversed, so that the large majority becomes the small minority, it may be regarded as certain that the opinion of society will always weigh heavily in the scale against a law enforcing total abstinence against any large body of the people. Even if a law operating in this direction should be passed, it cannot be expected to work smoothly in practice when thus heavily weighed. The force of opinion, which in this country is greater than law, will assuredly, sooner or later, defeat in detail enactments opposed to the convictions, or even the prejudices, of a very large majority.

But it would be quite otherwise with a law or laws, however stringent, the principle of which was to forbid altogether the giving or using of intoxicating drinks so as to produce drunkenness. In legislation founded on this principle, there is no risk whatever of offending the convictions of honest men and good citizens, who may not happen to be abstainers. The only risk (and it is one not to be overlooked) is in carrying legislation over the line of effective action in detail, in other words, trying to do that which is inexpedient simply because it is impracticable.

I Suppose then, as a first step, we were to enact a law directed—not against the selling of intoxicating liquors under such and such circumstances of time or place (as has been the general rule in restrictive legislation)—but against the selling or procuring the sale of intoxicating liquors to any man or set of men so as to promote or to produce intoxication; or more specifically, so as to bring intoxicating persons under the notice of the police. Is there any honest man or good citizen whose convictions would be offended by the principle of such a law?

It might indeed be objected that such a law would be very liable to evasion, that drunkenness is not a very clearly definable state, that a small quantity of drink will sometimes take an unexpected effect, while a much larger quantity may produce no visible effect at all, &c., all of which must be freely admitted as difficulties in the way of pushing legislation in this direction to extremities. Well, then, let us concede that legislation must not be made too stringent (at least for isolated offences) in this direction; that ample opportunities must be given to an accused person to prove that he did not intend to break or to evade the law: still, making all these admissions, we may hold that it would be a point gained to make the publican legally responsible for the production of the drunkard, and subject him to a heavy fine, or in aggravated cases, to imprisonment, in the event of his knowingly violating the law.

I do not anticipate any serious objection to the abstract justice of the principle implied in mulcting heavily the profits of a business so adverse to social order as to exist by habitually making men drunk for the purpose of gain; which is no exaggerated description of an ill-conducted public-house. But it will be asserted that, even in well-conducted houses men will occasionally get drunk, or will drink

to the extreme limit of what may be termed by courtesy relative sobriety, and that it is extremely difficult for a man who professes to sell liquor to the public, at all to refuse it to such persons. Granted: and for this very reason it appears, more than ever, important to affirm the legal principle that making men drunk is an offence against society; and that the publican is, of all men, under the strongest and severest of obligations to give his aid in restraining that offence.

But if it be still maintained that legislation founded on this principle will be necessarily too exacting as regards the publican, I reply that this plea is destructive of the only ground on which it can be right for society to tolerate public-houses at all; the ground, namely, (which I am far from disputing) that a public-house can be respectably conducted, and that, in our social arrangements, we should encourage respectable establishments, while discouraging the opposite class. It may even be affirmed that the publicans themselves have been among the warmest advocates of arrangements by which disreputable houses may be discouraged; and with good reason. The honest and well-meaning publican, (giving him all the credit he can possibly claim for personal character and purity of motive) must know far better than any one else that he is engaged in a business which, in careless or unworthy hands, may, and does, become one of the worst of social nuisances. It is only by resolutely and systematically declining all business of an equivocal kind, that he can keep his own position unquestioned; and such a law as I have indicated would furnish him at once with the strongest inducement so to conduct his business, and the most thorough support from the law in doing so. For it would be the express object of this law to put an end to that base competition downwards which the licensing system attacks so capriciously and ineffectually through the occasional suppression of the inferior houses. The object of this law would be to attack these houses directly, by the systematic destruction of the sources of their profits.

The first principle, then, in dealing with drunkenness on the great scale, must be to aim deliberately at the suppression of that part of the traffic in intoxicating liquors which consists in the encouragement of drunkenness; in other words, the law must deliberately condemn, and must do its very best to put down in detail, all public-houses which are so conducted as to lure poor wretches to their destruction, by systematically promoting excess under the name of "refreshment." Not until this is done, it is believed, will the existence of the public-house, even when controlled by the licensing system, become compatible with good government. As matters stand at present, it is well-known that the lucrative character of the business defies all precautions and all restrictive legislation; and the only appreciable effect of suppressing, or regulating, public-houses has been to encourage immensely the increase of "shebeens," in which riot and excess are the rule instead of the exception. The proposed legislation would introduce what, in respect of its directness and impartiality, might almost be called a new principle; it would strike

with equal severity the essentially immoral element in the traffic of the licensed and the unlicensed house; but in so doing, would, it is hoped, extinguish the latter, and permit the former to exist only when scrupulously conducted in accordance with social order. And thus only does there seem to be a prospect of uniting the scattered forces of society in an effective crusade against the evils of excess, especially among those deeply degraded classes, which the law, in its present condition, utterly fails to reach, until drunkenness culminates in positive crime.

II. But if the law is to aim at the suppression of the traffic in drink in so far as it leads to intoxication, we can scarcely escape the logical consequence of this principle: viz., that drunkenness, the promotion of which by the publican is to be made an offence, should also be treated by the law as an offence *per se*. Here, however, there are distinctions to be made. The man who is accidentally, and as it were by the force of circumstances, seduced into drunkenness, is often only in a very modified sense responsible for the occurrence, and it would be cruel and wrong to add a legal penalty to the shame and self-reproach which are the sure punishment of a comparatively venial error. The man, again, who deliberately seeks the means of getting drunk, and who insists on getting drunk in spite of previous warnings, is guilty of an offence which ought not to be lightly passed over. Between these extremes there are all gradations of infirmity of purpose, yielding more or less consciously to temptation; and lastly, there is the terrible case of the poor victim who is literally the slave of drink—*non compos mentis aut corporis*, in so far as this appetite is concerned; whose self-control has long vanished, so that he requires to be protected against himself, rather than to be punished for acts from which he is utterly unable to refrain.

To meet these different cases a variety of methods is required, but the following three principles would, I think, be fitted in the interest of society to deal with most of them, so as to give as much discouragement to deliberate evil-doing, and as much aid to human infirmity in the battle with temptation, as it is possible to afford by any system of law. The details of legislation I cannot, of course, pretend to discuss at present.

First—The casual offence might either be passed over altogether, if of the venial kind above indicated, or it might be met by a fine, or by a very brief imprisonment, at the discretion of the magistrate. The effect of such slight punishments would often, it is true, be quite inadequate, but they would at least serve to mark and register the offence, and, thus, in the event of repeated acts of drunkenness on the part of the same person, would prevent the fact of previous convictions from being overlooked. Any punishment going beyond this for a simple act of drunkenness would probably be inexpedient, if not unjust, inasmuch as it would often fall not so much on the actual offender as on his family and friends.

Secondly—The habitual offence might be met by the sequestra-

tion, for a limited time, of the weekly wages, or other emoluments and profits of business, applying these, under trust, to the support of the family, and to the maintenance of the drunkard himself, and so leaving him *pro tempore* free to earn but not free to spend.

With a view to the utmost simplicity of the legal machinery, and therefore of expense, the Trustee might be nominated by the drunkard himself and by the wife or nearest relative, with the consent of the magistrate, and should be authorised to receive the whole of the wages, and administer them in the interest of the family, or in case of savings over and above what may be necessary for this purpose, to deposit them in the National or other Savings Bank during the period assigned as the duration of the trust. In this way a drunkard in the receipt of good wages who, though infirm of purpose, might not be wholly demoralised, and who might be really attached to his family and anxious for their welfare, might be made to save money (as it were in spite of himself), perhaps for the first time in his life, and there is even room for hope that in some cases the actual possession of such savings might lead to new and better desires, and thus to a permanent reform of the bad habit. On the other hand, the failure of this measure, and the dissipation of the accumulations made during the time of compulsory soberness, would of itself become an argument in favour of further proceedings in restraint, just as frequent convictions for casual drunkenness would in due course give rise to the proceedings just detailed.

Thirdly—The inveterate offence might be dealt with in two ways not inconsistent with each other, but offering also an alternative to be employed with due regard to the circumstances of the case; (a) the property and earnings of the drunkard, if any, might be wholly placed for a lengthened period under the charge of a tutor, as in cases of insanity, and a formal allowance might be made to him on condition of his living out of the way of temptation; or otherwise the income might be used for the benefit of the family, as in the preceding class of cases; or (b) the person of the drunkard might be placed under restraint in properly regulated establishments like the "incubriate asylums" of America, under state inspection and control. In either case the proceedings should be assimilated to those in cases of insanity; but the only facts necessary to be proved should be the inveterate and uncontrollable tendency to consume strong liquors to excess, resulting either in the reckless squandering of income required for proper maintenance, or in disordered health, bodily or mental, and obviously impending ruin to the drunkard's estate and the prospects of his family.

A great deal has been written as to the connection between such loss of self-control as is here indicated and insanity, or as to the point at which such a condition becomes insanity; but for practical purposes I do not think it necessary to raise this question here, if it be conceded that the condition of helpless and inveterate self-abandonment to habits of intoxication is a condition requiring the inter-

ference of the law; and one which, in the interest of society at large, as well as of those depending on the victim of these habits, might be more or less effectually mitigated, if not permanently reformed, by restrictions such as are here indicated. On this point the experience of the medical profession will be found valuable, whatever the views entertained by individuals as to the meaning and scope of the technical terms "insanity" or "dipsomania," which, in my opinion, might without disadvantage be kept out of the discussion.

Although the preceding observations, in their details, are to some extent outside the limits indicated in the programme for discussion at the present meeting, yet the principle of them is strictly in accordance with the scope of that proposed discussion. The author is of opinion that until the fact of overt drunkenness is recognised, *per se*, as amounting to an offence in law, no satisfactory progress can be made either in reforming or in controlling the drunkard. At present, while the crimes and civil disorder that proceed from drunkenness are often severely punished, the simple act of drunkenness, even when paraded in public, is treated as a mere infirmity. The law, accordingly gets into an utterly illogical position towards the habitual drunkard. It has passed over without remark innumerable flagrant transgressions of the moral law, and outrages on public decency. But when even one of these outrages is followed by positive crime, the law steps in to exact the full penalty, and does not allow the drunkard to plead irresponsibility. And in like manner the publican is at once too leniently and too hardly dealt with; the law allows him to make as many men drunk as he pleases, in the ordinary way of business; but when a certain combination takes place among the magistrates who gave him his license, it is withdrawn, perhaps because he has plied his trade only too well. The object of the preceding paper has been to establish, if possible, a more logical and consistent rule for dealing with the whole subject.

DISCUSSION.

The PRESIDENT (Dr. Symonds) said that in order to give definiteness to the discussion he should propose these resolutions:—

I. That it is the opinion of this Department that the penal laws, repressive of drunkenness, should be extended, or at all events more rigidly enforced than at present.

II. That dipsomaniacs should be liable to deprivation of liberty with a view to their protection and reformation.

Dr. PEARCE (London) said we could not shut our eyes to the great increase of dipsomania among all classes, a fact which showed the necessity for removing even the educated classes from temptation. He mentioned the case of a patient who was subject to hereditary dipsomania, the patient being a member of the legal profession who married the daughter of a clergyman. The moment he was free from control he should advocate the provision of them by legislation, either separately or in connection with existing institutions; but he believed the association of dipsomaniacs with others was detrimental, and he mentioned the case of a gentleman placed in an asylum, who said—"Why am I to associate in a long walk with some sixty or

seventy men whose conduct and language are painful to my feelings? Why can't you place me somewhere else?" He had observed, even on the part of those who were conscious of their mental weakness, that when they were under the impulse they readily yielded to temptation. He believed that retreats would pay as commercial undertakings, because there were many who would willingly resort to them for a time in order to effect a cure. The question had been suggested—Shall we take temptation out of the way of the drunkard, or the drunkard out of the way of temptation? We ought to do both; for it was useless to take the drunkard out of the way of temptation, if the temptation remained when he was restored to liberty. If we by licence placed temptation in the way, a man would fall again and again, and he would look with pleasure upon any law that would limit the number of places where drink was sold. He would further prohibit the sale of strong drinks in music halls.

Professor NEWMAN (Clifton), who attended on behalf of the United Kingdom Alliance, could not assent to the resolution, because it involved the calamitous error, prominent in English legislation, of dealing with results and entirely overlooking causes.

Dr. STALLARD (London) called attention to a remarkable experiment tried at Gothenburg, where an association, recognising the impossibility of restricting the use of alcoholic liquors by legislation, have acquired all the public-houses, put into them their own servants, provided them with good liquors, improved the lighting and ventilation of the rooms, provided amusements, supplied tempting food at reasonable prices, as well as tea and coffee, and other non-intoxicating beverages, and given an interest in the sale of these to the managers, who are responsible for the proper conduct of the houses. One result was, that offences connected with drunkenness had very largely diminished. Pretty much the same system had been carried out in the army during the last few years. Nothing could be more remarkable than the effect upon the regiments of the introduction of well-regulated canteens, conducted upon the same principles as the public-houses of Gothenburg; and the profits realised by the committee at Portsmouth had enabled them to build a theatre and to have a performances twice a week.

Dr. MARTIN (Warrington) dwelt upon the importance of removing temptation out of the way of the people.

Mr. COOKE TAYLOR had observed a diminution of drunkenness in Ireland, which he attributed to the increase of the tax upon spirits, the establishment of breweries, and the consequent substitution of porter for whiskey as a beverage.

Dr. LANKESTER, F.R.S. (London), cited statistics to show that drunkenness was not on the increase, yet he believed that half the cases which came before him as coroner were to be attributed to drinking habits. It ought to be a crime for a man to supply rum to a person half drunk with beer; he had known cases in which instant death had followed. The police ought to be able to punish the publican, whether he sold through servants or not, who not only sold to persons who were drunk, but who supplied persons with liquor until they became drunk. The Legislature might do more to encourage houses and amusements at which alcoholic drinks were not sold. Teetotallers ought to do something more than provide coffee-shops; they ought to open decent places of amusement for poor people, who often resort to the public-house for relaxation and change. If there were decent places to which poor people could go without drinking, a great deal of good would follow. What a difficult thing it was to get half a pint of water if you wanted it; and whilst you could get a glass of beer, brewed by a great philanthropist, for a penny, if you had a bottle of soda water the chances were you would be charged sixpence or fourpence for it. Government might put higher duties on spirits, to which half the drunkenness was due. Those who had drunk themselves into such an uncontrollable condition that they could not pass a public-house could not be treated as criminals, but they ought to be treated as lunatics, and seized, and put into places where they could be cured.

Dr. McMILLAN (Hull) said the experience of all present amply proved that there were certain cases of uncontrollable drunkenness which ought to be subjected to a certain amount of supervision; and the great object was to provide means whereby such persons might be restored to a state of sanity. In America institutions for inebriates had been successful; the inmates were detained until they lost

their drinking propensity, and they were then restored to society. He suggested that the sale of drink should be restricted in a similar manner to the sale of poisons.

Mr. R. CHARLETON (Bristol) said, it would be attended with so much hazard to put the large powers indicated into the hands of magistrates and police officers that he should hesitate to adopt the resolution in its entirety. It seemed to him that a modification of it would practically, to a large extent, meet the exigencies of the case. It would be sufficient to legalise the voluntary detention of persons who had a painful consciousness of their own inability to resist temptation, and who were anxious to be confined. Not long ago he met with an accomplished scholar and an eminent linguist, who had this infirmity, largely due to excitability of natural temperament, which made him less capable of resisting temptation than the average of men. He was most anxious to be placed under restraint, and he would gladly have paid for admission into an asylum, or into the hospital of common workhouse, but there was no power to sanction such a proceeding. Other methods were resorted to, and for a time they appeared to be successful, but the favourable prospects were soon clouded, and the man died under circumstances too deplorable to be stated. If the proposition of the President could not be admitted in its entirety, such an approach to it as he had ventured to indicate would be a practical step in the same direction.

The PRESIDENT, in reply, said it was by no means necessary that there should be intercourse between lunatics and dipsomaniacs; indeed, he suggested that the institutions for the two should be separate. He quite agreed with Professor Newman that we ought to prevent rather than cure; but it was the duty of doctors to deal with effects.

The first resolution was put, and carried unanimously; the second was carried with one or two dissentients, whilst some who supported the first resolution abstained from voting.

CONTAGIOUS DISEASES.*

Should the Principle of the Contagious Diseases' Act be applied to the Civil Population? By BERKELEY HILL, M.B.

IT is admitted on all hands that much loss and suffering are caused by the propagation of contagious venereal diseases, but it is doubted, in the first place, whether the evil be sufficiently great to justify such interference as can alone hold out prospect of success; second, whether it be possible by any practicable means to lessen the prevalence of contagious disease; third, whether this interference be justifiable in the interests of society; lastly, although this consideration need not detain us long, whether more harm than good results from the propagation of venereal disease.

One word as to the nature of the injury inflicted by these diseases. There are three varieties or distinct disorders, which, for convenience are termed contagious venereal diseases. First, The local contagious sore; this is entirely a local affection, very rarely endangering life or permanently injuring the sufferer. Second, gonorrhoea, which, though often a trifling ailment, is very frequently a cause of much suffering and of sterility in women, and in men of organic disease, that, besides crippling the individual, sooner or later destroys him. The third, syphilis, is one of the gravest of human diseases, which no doubt you are aware, by its tedious course, keeps its victims long disabled

* See *Sessional Proceedings*, 1867-8, p. 265; *Transactions*, 1868, p. 509.

by its tendency to attack organs essential to life, causes death; and, by the faculty of passing from parent to offspring, continues its virulence to a second generation. A disease that, according to Sir William Jenner, "is one of the most fatal that we have in this country; one of which every day's advance in our medical knowledge raises its position in that respect;" and it is Mr. Paget's conviction that, "as inquiries are continued, we shall find the range of syphilis wider and wider in the diseases which at present we do not consider to be syphilitic." Mr. Paget mentioned also that he had seen five surgeons die, and fifty others suffer more or less, through inoculating themselves by accidental scratches on the finger.

Statistical returns enable us to estimate, with comparative accuracy, the amount of venereal diseases in the army and navy, both before measures were taken to prevent their spread, and since regulations for that object have been enforced in certain of our dockyard and garrison towns. In 1864, the average attacks for 1000 of effectives were 291, making of all the admissions to military hospitals nearly one-third due to this disease alone. One thousand three hundred and ninety-nine men were constantly withdrawn from duty in our home force, in the year 1864, a loss equal to an entire week's service of 73,000 men. In the British navy the loss was equally great; nearly 600 men of the crews afloat were constantly sick from this cause, and the loss in money of their services was estimated at £32,000 in 1862.

But when attempting to estimate the extent of loss from venereal disease among the civil population, we have only very insufficient data for our calculation. The Association for Extending the Contagious Diseases' Act collected information from various hospitals of the metropolis and large provincial towns, which has been published in the report of that association. Thus, for instance, the chief Resident Medical Officer of Guy's Hospital states, that 25,800 cases of venereal disease are annually registered in that one institution, being 43 per cent. of the total number of out-patients. At hospitals founded for the treatment of affections of particular organs, we find that a large proportion of the sickness is due to contagion. At the Hospitals for Diseases of the Skin one in ten; at the Hospital for Diseases of the Throat, in $15\frac{1}{2}$ per cent. of the patients the disease had a syphilitic origin. At the Moorfields Hospital for Diseases of the Eye, about one in five owe their malady to this cause. The Medical Officer of the Privy Council, Mr. Simon, devotes a section of his last report to the consideration of the question we are met to discuss, and while arguing against the expediency of extending the principle of the Contagious Diseases Act to the civil population, with reasons that, to my mind, are either inconsistent with fact or insufficient, he has supplied us with the result of an investigation, carried out by one of the assistant-inspectors for the information of Government, who noted down the number of persons afflicted with venereal disease, who applied for relief during a short period at certain charitable institutions. From this report Mr. Simon calculates that about 7 per cent. of those who applied for relief

from all kinds of sickness are attacked with venereal disease of some kind; but that only $3\frac{1}{2}$ per cent. are afflicted with the gravest variety of the contagious disease, namely, syphilis. But to take merely the percentage of venereal cases in the total sickness is manifestly an incorrect mode of estimating the importance of venereal contagious diseases, as sources of suffering and despoilers of the producing power of the nation. A large proportion of hospital out-patients suffer from most trifling ailments, which do not lower the strength, or interfere with the occupation, of the affected. Neither is it fair to suppose the loss to society from any disease is fairly indicated by its death-rate; an acute epidemic will destroy in a given year a much greater number than syphilis will in the same time; yet the epidemic passes away and its traces are quickly lost; syphilis on the contrary steadily continues its ravages year after year. Those killed by an epidemic cease to burden society, and their places are soon occupied; but a chronic endemic disease, not only incapacitates its victims, but throws the cost of their maintenance on the healthy; and here Health Returns fail to inform us of the amount of *continual* sickness among the population, and still more to define the position of contagious disease among the disabling afflictions of humanity. In endeavouring to appreciate this, we must not forget that syphilis is eminently a disease that impedes the development and lowers the vitality of the individual, and consequently deteriorates the vigour of the stock. For this last reason, syphilis is evidently a cause of much active disease in those who have suffered from its ravages, either in their own persons, or in those of their parents. Therefore, in attempting to estimate the evil following from syphilitic infection, besides the bodily and mental suffering of the individual, besides the average extent of his disablement from the disease itself, and besides the amount of degeneration to the stock of the human race through the production of an enfeebled offspring, we must include some part of the loss through other sickness, to which his weakly condition exposes him, and which he would escape were he strong and robust.

In a letter that I published in the *Times*, 22nd February, 1869, I calculated from the data at my disposal that 10 per cent. of the London sick poor were affected with "contagious disease." But adopting Mr. Simon's proportion of 7 per cent., as being one safely within the mark, we shall still have an enormous number of persons in London, and of course in provincial towns likewise, sick from this cause. Time does not permit me to discuss the grounds of Mr. Simon's estimate, but by analysing the tables in the Medical Officer's Report, it appears that in one week 9363 sick persons attended at four large general hospitals and nine dispensaries. Among them were 830 venereal patients, of whom 231 adult males, 148 women, and thirty children (total 409) had constitutional syphilis, the rest having less important forms of venereal disease. If these 409 are multiplied by fifty-two, we have 21,268 cases of syphilis alone annually seeking relief at these nine institutions, none of which, be

it remarked, was Guy's Hospital, where it has been stated before, 43 per cent. of the out-patients are venereal. Reckoning the sick poor who annually apply to the London hospitals for relief at 850,000 (Mr. Simon estimates them at 1,500,000), 7 per cent. amount to 59,500 venereal patients, of whom 56 per cent. are male adults, that is, producers, not merely consumers; or 33,320 of the male working population of London alone are every year more or less hindered from earning their bread by "contagious" disease. This calculation omits that portion of the venereal sick that is thrown directly upon the poor rates by this cause, which the Medical Inspector found to reach 10 per cent. of the sick inmates of St. Pancras Infirmary, and the same proportion of the sick population of Lambeth Workhouse Infirmary, if the cases of senile debility were subtracted, as was the case at St. Pancras. Nor does the calculation include that still larger portion of the venereal sick which is either treated by regular practitioners, by druggists, and quacks, or has no treatment at all. Thus the estimate in the official report is evidently considerably under the actual amount.

Second, is it possible by any practicable means to lessen the prevalence of contagious disease? Fortunately for solving this question we can appeal to the effect of the Contagious Diseases Act in the dockyard towns; to the condition of British troops in stations abroad, where sanitary regulations are enforced; and to the health of foreign armies in respect of these diseases. In the year 1864, that is before preventive measures were at all in force, the loss to the State from venereal disease among the troops at home equalled one week's service of 73,000 men. The returns for the second quarter of 1869 show that a great saving in men has now been effected. In 1864, 1400 men out of 73,000 were constantly off duty: 55,000 of these troops are now stationed in protected districts, and the proportion of them according to the former ratio constantly sick would be 1054, but in fact only 666 were so disabled; hence a force of 388 men was at the service of the country during that quarter through the effect of the Act.

Take another comparison. The army medical reports for last year are not yet published; but Dr. Balfour, of the Army Medical Department, has published in Dr. Parkes's work on Hygiene, statistics for five years of the admissions with syphilitic sores at five stations under the Act, and at four stations not under the Act; from which Dr. Parkes remarks that the following convincing facts are evident. "In all the protected stations the number of men attacked in 1868 is not only below the mean of the previous four years at every station, but is below the minimum of any former year; whereas in two out of the four not protected stations, the number of attacks in 1868 is above the mean of the previous four years, in one station it is only just below the mean, and in only one station is the number lower in 1868 than in any of the four preceding years."

If we compare the past conditions of single stations with their present state, the result is also satisfactory. The admissions for

syphilis at the Royal Naval Hospital at Plymouth were in 1865, 270; in 1866, 233; in 1867, 173; in 1868, 156. In the corps of Royal Marines at Plymouth, there were thirty-seven cases of true syphilis in 1867, but only eighteen in 1868. Of the military garrison of Devonport, 8000 strong, in April, 1865, 180 men were sent to hospital, with contagious disease. In April, 1868, the garrison, numbering 10,000 men, sent only sixty-nine such cases to hospital, proportionally less than one-third of the amount three years before. Still better has the effect been shown at Sheerness. There the disease has been reduced to very small dimensions; in one month only two women were found diseased, and not one single man in another. Nevertheless, though the influence of sanitary operations is decided, their success is greatly impeded by the limited area over which they extend. So long as protected districts are easily accessible to the inhabitants of neighbouring towns there is a constant influx of the disease, and a continual re-infection of those liable to spread it. The evidence of the visiting surgeons before the Parliamentary Committees abundantly proves this fact. The success of preventive measures was perfect in Malta, where it was possible to carry out those measures completely. Sir Henry Storks, when Lieutenant-Governor of Malta, instituted the sanitary regulations which are still in force, and has given his testimony in the Appendix to the "Report of the Committee on Venereal Disease in the Army and Navy." He says, on the 12th of April, 1865, the garrison of Malta amounted to 6192 men, of whom five were sick with venereal disease. On that day a regiment arrived from Dublin, and brought thirty-eight cases. On the 1st July another regiment arrived also from Dublin, and brought sixteen cases. Yet immediate seclusion of these fifty-four patients so effectually controlled the spread of the disorder, that on the following 21st of October there were but eight cases reported for the whole garrison.

To pass from the condition of the British army to that of foreign military forces. In various garrisons of the French army, which has been for some years under sanitary restrictions, the admission per 1000 effectives was, at Lyons 88, at Marseilles 65, at Bordeaux 54, at Paris 33. These numbers compare well with the numbers at different English stations. Thus at Devonport and Plymouth in the year 1860, that in which the above proportions existed at Paris, the entries were 440 per 1000 of effectives, or more than thirteen times as many. In the Belgian army, the average for many years has been 80 per 1000.

When the condition of the women is considered, we find that periodical examination and detention in hospital have been most influential in restoring their health. The prevalent form of diseases is greatly modified. I have here an abstract of the Lock cases admitted at the Devonport Hospital under the Contagious Diseases Act since April 1, 1865, to March 31, 1869, a space of four years. The proportion of constitutional disease was during the first year and a half $24\frac{1}{2}$ per cent. This ratio has steadily sunk, till in the

first quarter of the present year it was only $9\frac{1}{2}$ per cent. The rest of the cases were of local disease only. The same result is shown in the returns sent me from Portsmouth, by the kindness of the visiting surgeon of that district. At the Lock Hospital in London, where patients both from protected and not protected districts are received, during 1867, syphilitic cases formed only 13 per cent. of the patients from the former localities, and 43 per cent. of those from London and other unprotected localities. This improvement steadily increases, and we may hope that their health will in a short time equal that of women under surveillance in foreign towns, as at Bordeaux, where syphilis is found only once in 500 examinations. The effect of the Act is shown by the much larger proportion of women now found free from disease in the periodical examination to what was the case when the Act was first set in operation. When I visited the districts under the Act at the end of 1867, I was told at each station that very few women were ever examined without disease being found, and at Devonport of 903 women examined, only thirty-seven were found free of disease. Increased accommodation and the continued operation of the Act have together gradually raised the proportion of healthy, till $8\frac{1}{2}$ per cent. of those examined at all the stations in the second quarter of 1869 were found free of disease.

These facts are most important in disproving the inference of the Medical Officer of the Privy Council, when considering the practicability of carrying out preventive measures. This gentleman infers that probably one-third of the abandoned women of London (whom he assumes, for the sake of argument, number 18,000) are diseased; yet, taking only half that number for his calculation, he estimates at least 3000 beds for the metropolis alone would be necessary, at a first cost of 500,000*l.*, and an annual one of at least 100,000*l.*, an expense, Mr. Simon rightly remarks, too great to be incurred. But the exact contrary of his supposition is the truth. Wherever the abandoned women have been brought under the Act, the number diseased has rapidly diminished, and most especially has the diminution been effected in the constitutional or syphilitic variety of contagious disease, just the one which Mr. Simon doubts could be controlled by sanitary regulations. Moreover, the average stay of each patient from the protected districts in the London Lock Hospital is thirty-two days, and the annual cost of each bed 2*l.* 10*s.*; hence 12,250*l.* per annum would provide the yearly charge of 500 beds, and for the reception of eleven patients per bed, or 5500 per year, an amount of hospital accommodation that would speedily reduce the prevalence of venereal disease in the metropolis, though no doubt it would be advisable to have at first a larger temporary accommodation until the Act had time to take effect.

Having shewn that the bodily health of the women has greatly improved wherever sufficient time has elapsed since the Act was put in force, it will be useful to touch upon the social condition of

these persons, that it may appear how much they have benefited in this respect also.

Little resistance is offered by those most interested in the Act. The returns for the second quarter of 1869 show that of 8037 women subject to sanitary regulations, only nine were compelled by a magistrate's order to submit: the other 8028 complied voluntarily with the regulations. This acquiescence has been the same throughout, simply because the women feel that, while the Act consults their true interests, voluntary submission is far less irksome than a forced subjection.

Some two years ago public indignation was aroused by the heartrending description of the outcasts who hang about the camp of the Curragh, in Ireland, the so-called "Wrens of the Curragh." That over-true description could have been paralleled by an account of the destitution of the women at Aldershot; and though perhaps somewhat less horrible, the condition of the women in all the dock-yard towns was in many respects too wretched to describe.

Being out of the pale of ordinary society, many of them were at the mercy of the beer-shop-keepers, who employed them to attract the soldiers, and induce them to spend their money. When the poor creatures were unable, through disease, to carry on their occupation they were turned adrift to shift for themselves, and thus the lives of many were destroyed when quite young, or rendered useless by premature old age, while irretrievably debauched in mind. And before condemning these unfortunate creatures, let us consider for a moment their origin. The report of the Rescue Society for the year 1867, tells us that of 526 girls under the care of that Society, 419 had been domestic servants, and mainly what are called general servants, or drudges of the household, born of very poor parents, and having little education or knowledge of right and wrong. Even now the visiting surgeons report that the police are constantly bringing to them young girls, and even children, wanderers into the districts, who are quite unaware that their mode of life is unlawful and shameful. As they conceive, nature has put into their hands an easy and pleasant pursuit, whereby they rise rather than sink in the social scale, and they have no suspicion of the wrong they do nor of the suffering which a life of debauchery and drunkenness entails. Now, wherever the Act is in operation, this horrible destitution has been much improved. Of those who still pursue this evil life the change is marked. They are less drunken, more cleanly, and more decent in their language and behaviour, and carry with them from the wards of the hospital into their vicious haunts some relish for the good teaching they have there received. The visiting surgeon of Aldershot has related, in his evidence before the Committee of the House of Commons, how, one evening, when inspecting the low resorts of these persons, he found a group of his former patients listening eagerly and most respectfully to John Bunyan's "Pilgrim's Progress," which one of them was reading aloud. Numerous instances

have been reported by the police, of girls of a higher class, who, having fallen through treachery or heedlessness into vice, have been rescued and restored to their friends through the operation of the Act.

Public decency greatly improves. Mr. Sloggett, the visiting surgeon for Devonport, reports that there is not one-fourth as many brothels in that town as there were a few years ago. Besides improving the behaviour of the prostitutes the Act has very greatly diminished their number. In Plymouth, before the Act was enforced, the police had a list of 2000 women who were known prostitutes; the number at present under surveillance is 770, or a little over one-third of the former number. This reduction has come about in several ways, chiefly through many women having flitted away to other towns where no check is put upon their license. Some few, but probably very few, manage to escape the notice of the police, and secretly, but therefore to a limited extent, continue their avocation. A part, the better disposed, are occupied in creditable employment.

Again, the fear of being summoned for examination restrains many young shopwomen, servant girls, and others inclined to adopt vicious habits; for they know that if they parade the streets in vicious company or frequent resorts of avowed prostitutes, they will come under the surveillance of the police, who, if not able to inform their friends of the young women's danger, will, as soon as they have sufficient evidence, compel the latter to undergo examination and so declare their evil pursuit. There are two other points with regard to clandestine prostitution which are of great importance in showing how little we need fear that the Contagious Diseases Act would be rendered nugatory by a fancied impossibility of getting the majority of the abandoned women to comply with these regulations. The first of these reasons is this—if a woman is only occasionally a prostitute, the chances of her becoming diseased or of propagating disease are few, hence the necessity for her periodical examination and detention is not great. Now for all who become avowed prostitutes—and these are by far the most important to get hold of—whatever their position, a place of resort is an absolute necessity. The prosperous go to singing halls and dancing saloons; the destitute women have the public street, which they use for the same purpose, and, fortunately for our object, they habitually frequent the same locality night after night. Thus, were the Contagious Diseases Act in force in any large town, the women would soon become known to the special police-officer in charge of that locality, and could be easily induced or compelled to present themselves for the surgeon's examination. Let us suppose that a diseased woman, in order to avoid detention, quits her accustomed haunts; she must either change her mode of life or seek a new resort, but if she does the latter, her new face would quickly attract the attention of the police, who would insist on her going to the surgeon for examination.

Third. We have to consider how far the measures necessary for the object are justifiable. The principle that persons suffering from contagious disease of any kind may be justifiably separated from society while liable to communicate disease has been accepted by other Acts of Parliament besides the Contagious Diseases Act, notably by the Act of 1867 to make the Poor Law Board permanent, &c. In this Act there is a clause empowering Boards of Guardians to detain inmates of workhouses so long as they are suffering from contagious disease, or are in a state dangerous to themselves and others. Hence we need not argue respecting our right to detain persons affected with contagious disease. Society, I maintain, is interested in removing any cause of diminution to the general prosperity, and is quite as much at liberty to prevent a person from injuring himself with contagious disease, still more from injuring others by communicating it, as it is to hinder him from committing suicide, or to punish him for being drunk and incapable. Next, the means employed where this right is exercised are proved by their effect to be successful, and that they are not unreasonable will be seen when the provisions of the Acts are explained. It should be mentioned in the first place that only abandoned women are liable to the operation of the Act, and not any women whatsoever, as has been asserted by some opponents of the measure.

Before the Act can be set in operation in any place, a certified Inspector of Hospitals must report that a proper hospital is provided, with duly appointed surgeons and staff, and that proper moral and religious instruction is furnished for the inmates. This preparation made, any woman, whom the information of a superintendent of police satisfies a magistrate that she habitually resorts to disorderly houses for the purpose of prostituting herself, and thus is a common prostitute, may, if the magistrate see fit, be ordered to attend periodical examination, and if certified to be diseased, to be detained in a hospital till cured.

There is also a Section (No. 17) in the Act, allowing a woman to submit to periodical examination without being summoned before a magistrate, if she prefer that course (and all but very few do so). The true intent of this Section 17 has been thoroughly misapprehended by those who oppose the extension of the Act. This section was inserted to enable the women, if they so pleased, to avoid the exposure of a magistrate's court, but it authorises their appeal to a magistrate whenever they desire it—a privilege that extends to all the detained women the whole time they are in hospital. No one is deprived of her liberty without as ample safeguards as those established to protect the ordinary citizen. The assertion made recently, that respectable married women, and one virgin of tender years, have been grossly violated by the surgeons' examination, is a monstrous perversion of the truth. The story referred to is Answer 124 of the evidence before the House of Commons' Committee last summer, and runs as follows:—The surgeon being asked if he had ever had a woman brought to him for examination who was not a

prostitute, replied "Yes, once, and only once. It was a most horrible case; a child was brought from the country by her own step-father, who accused her of prostitution. The poor child came willingly to the hospital, but the surgeon on inquiring into the case refused to examine her. But the girl begged him herself to do so, that he might clear her character, as she was not a prostitute. She was examined and proved not only to be not a prostitute, but a virgin." This is the true version of the story, as it is published in the Parliamentary paper. This submission to examination once made holds good so long as the woman continues to be a common prostitute; but the necessity for examination may be remitted by the examining surgeon, if he have reason to believe the woman no longer prosecutes her occupation. Or, the woman may at any time demand to have her case heard by a magistrate, who has discretion whether she shall or shall not cease to be under the operation of the Act. If the woman is found to be diseased on any examination, she may be detained in a certified hospital until cured, or until three months have expired; should her health render it expedient to detain her longer, she must be again examined, and certified to be diseased. In this way, by the Act of 1869, nine months may be consumed. At the end of this time the patient must be discharged as incurable, and she regains her liberty, though liable to punishment if found frequenting disorderly houses for the purpose of prostitution.

In order to encourage reformation, the Act authorises the patient on her discharge to demand to be carried either to an asylum or to her friends, or to the place whence she was taken when found diseased. Not a few women avail themselves of this clause to enter asylums or to regain their home.

Lastly, a few words on the moral effect which the repression of contagious disease would have. First, it is urged that Providence has arranged that this disease shall pursue the fornicator, and either deter him from sin or punish him for committing that sin. As a deterrent I have little faith in the fear of contagion, and have too much reverence for Providence to imagine it seeks to correct us in so bungling a manner; for suppose that this disease is a punishment for sin, and therefore ought to be allowed to exist unrestrained, how unequally is the punishment applied. One man, an habitual fornicator, but grown cunning, may continue his evil practices for years, and suffer only the most trifling inconvenience. Another, a youth, at an age little trained to self-control, passing through the streets of our towns is led astray in a moment of passion, and contracts a disease that hangs on him for years, enfeebling him for life, and passing to his wife and children if, in after years, imagining he is thoroughly cured, he marries and begets a family. These are no uncommon instances of the way the fornicator is punished, and in punishing him Providence punishes other innocent persons. Then, again, sanitary regulations do not increase the commission of fornication; they lessen its occurrence by removing much of the

case with which it can be carried on. Public and social morals, so far as they are influenced at all, are improved, not deteriorated. Further, the Contagious Diseases Act in no way licenses the prostitute; she still remains liable to prosecution as a disorderly person, and the only legal protection she gains by being cured of disease is this—she cannot be detained in a certified hospital so long as her health remains sound. If the magistrates see fit to punish her for being what she is, they have exactly the same power where the Act is in operation as where it is not.

A paper was read on the same subject by Mr. W. P. SWAINE, F.R.C.S. The following are the principal passages contained in it. The paper is intended to be a short account of the manner in which the Acts of Parliament for the prevention of Contagious Diseases have been carried out at Devonport. It only refers incidentally to the extension of the present Act to the civil population.

To meet the state of things which was alluded to by Lord Clarence Paget and others in the House of Commons, the lock wards of the Royal Albert Hospital were opened on December 1, 1863, with a provision of twenty-five beds. In 1865 the number was increased to thirty-eight, in 1866 to sixty-two, and, since the completion of the building in 1868, to 162, the present number.

From December 1, 1863, to March 31, 1865, the detention of women was voluntary; but from the passing of the Contagious Diseases Act, 1864, it has been compulsory, additional powers having been given by the Act of 1866, and more recently by the Amended Act of 1868, just passed. Upwards of 3500 cases have been treated in the lock wards up to the present time, and an abstract of the cases, treated up to March 31, 1869, shows that out of 2854 cases admitted, 899 were cases of syphilis. One of the most striking facts connected with our work is this—that the percentage of syphilitic cases treated in our wards has steadily diminished. Thus from December 3, 1863, to March 31, 1865, the percentage of syphilitic cases was 57·45, whilst from October 1, 1868, to March 31, 1869, the percentage was only 17·72. This striking diminution in the prevalence of a disease so horrible in its consequences, not only to the unhappy patient affected with the primary disease, but to her children's children, is a result we hardly hoped for, and affords the strongest possible argument in favour of the extension of an Act which has to such an extent (within the area where it is in force) stamped down this dreadful scourge of the civilised world.

But, still further to demonstrate the benefit of the Act, I will now refer to the effect it has had in checking disease in the army and navy. I have already stated that, prior to the passing of the Act of 1864, 44 per cent. per annum of men in the royal navy suffered from contagious disease. The return for twelve months ending

March 31, 1866, including not only the men in the royal navy, but also in the army and marines, shows a percentage of 19·529 only of men admitted to hospital with contagious diseases. The return for the last twelve months, ending June, 1869, shows that out of an average strength for the year of 10,656 men, the admissions to the hospital of men affected with contagious diseases were 13 per cent.

Thus we have reduced enthetic diseases in the garrison from 44 per cent. to 13 per cent. But out of this 13 per cent. we gather from our returns that only 9·76 per cent. contracted disease within the Devonport district. Comparing our district with Portsmouth, Aldershot, and Chatham, all of them large garrisons, we find that Devonport stands lowest, as the following table shows:—

	Annual ratio of men admitted into hospital.	Ditto for disease contracted within the district.
Plymouth ...	15·67	9·76
Portsmouth	21·67	14·66
Aldershot ...	20·35	10·89
Chatham ...	24·00	15·73

Hand in hand with the above facts is this other one, that, as the disease amongst the men in garrison has diminished, so the vacant beds at the Royal Albert Hospital have increased, as shown in the following table:—

Quarter ending.	Annual ratio of Men contracting Disease in the District.	Vacant Beds for Women in Royal Albert Hospital (average.)
Sept. 30, 1868 ...	11·960	9·23
Dec. 31, 1868 ...	9·228	27·60
March 31, 1869 ...	8·900	15·10
June 30, 1869 ...	7·112	43·00

These results, good as they are, are yet capable of improvement. The periodical examination of women is as yet carried out very defectively. It was lately stated by the visiting surgeon, Mr. Sloggett, before a Committee of the House of Commons, that there are in the Devonport district 770 known prostitutes. I shall refer to this again presently, but taking it for the moment as a fact that this is the correct number, and deducting from that number an average of, say, 120 in hospital, it follows that 325 should be brought up every week for their fortnightly examination. From the returns, however, which are weekly made to us, we find that during the twelve months ending August 28, 1869, a weekly average of only 182 women attended for examination. Thus 143 women, known

and registered as prostitutes, managed somehow to evade their periodical examinations every week. In connection with this fact, we meet with constant and angry complaints from the women, that some of them are brought up for examination much oftener than others, and, in corroboration of this, cases of contagious syphilitic disease are from time to time admitted into the lock wards, which, from their very nature, must have existed for a considerable time, and consequently escaped examination for that period.

Both at Plymouth and Portsmouth, the staff of police employed is furnished from the metropolitan force, and numbers only five men. This number is quite inadequate, and explains to a great extent the reason why the periodical examination of the women is at present so defective. The question of police will be, no doubt, one of the great difficulties we shall have to contend with in any extension of the Act to the civil population. To obtain a staff of men who shall be above the wily seductions of the class with whom they have to deal is indeed difficult. I think the opinion which has been expressed, that the borough police are not trustworthy, is incorrect. I have no doubt that in large towns, the borough police will be found as incorruptible as the metropolitan, and, if the Act is to be extended, they must be employed. You will have to place at the head of each police organisation a man of superior talents and position, who will supervise the whole external working of the Act. I think such an officer is to be found in the visiting surgeon, who should have conferred upon him complete control over the police with whom he works. But whilst giving him this power, there is another he possesses in some places, and with which it is sought to vest him at Devonport, against which I strongly protest, in company I believe with an influential portion of the Press, and with many gentlemen well acquainted with the working of the Act.

This is the power to interfere in any way, directly or indirectly, with the treatment or detention of a woman after she enters hospital. To give him this power is to confer on him the attributes of prosecutor, judge, and jailer, and opens the door wide to great abuse of police power. We do not protest thus strongly without good grounds, and we do insist that if the Act is to be extended, it must be done with every possible regard to the protection of the women from unjust detention. I have yet to learn that because a woman is a prostitute, she is therefore to be refused that just protection which the law concedes to every other subject in this land. If she be dangerous to the population, let her be secluded as the law provides, until the danger be passed. So long as she is dangerous her liberty is forfeited for the good of the State, but in all other respects she has equal rights of liberty with every other subject. The surgeon who treats the case after admission to hospital should be in no way connected with the surgeon outside, who certifies that she is diseased. The one should be a check upon the other, and such a check would render the improper seclusion of a woman in hospital almost impossible.

Having thus dealt with the medical results of the working of the Act at Devonport, I now wish to say a few words upon the moral effect which it has produced amongst the women who have come under its control.

This aspect of the question is one which, I am aware, is looked on by very many persons as worthy of the first consideration. Without going the extreme length to which many such persons go, I would say this:—That any attempt to secure immunity from physical disease for the population, without at the same time the most strenuous efforts being made to cure that horrible moral canker which is eating into the very vitals of English society, I should behold with the utmost abhorrence.

The question how these women are to be dealt with from a religious point of view is one which requires much more time to answer than I can afford here. I would just state my strong conviction that this is a field of labour especially laid out for women. I believe that the good influence of a woman upon her fallen sisters is enormous, provided she be a person skilled in the arduous work she has to do. I may say, that I am certain that anything like promiscuous visitation of these women will fall short of what is required.

There is no more discouraging work than the reclamation of fallen women, and any attempt to claim success from a mere statistical record is in my opinion most unwise. It is better to look the evil fairly in the face and grapple with it manfully, than to gloss it over, or even allow oneself to look at it through too rosy a medium. Thus we have been lately told* that the number of prostitutes in our neighbourhood has diminished from 2000 in 1864, to 770 at the present time. We have also been told, as a proof that vice has materially diminished, that clandestine prostitution has much lessened. Now many people who are well able to judge assert that there never were so many as 2000 public prostitutes in the three towns, and although there are only 770 names now on the police register, it is believed impossible that that number represents the entire body of women who practise prostitution at the present time. As far as Devonport is concerned, I know on the best authority, that the number of women has slightly increased during the last two years. It is thought that the gentleman who made this statement has been wrong at both ends—in overstating the number of prostitutes in the towns in 1864, and in understating the numbers at present practising this vocation. But to go on to assert that with this enormous decrease in the number of public prostitutes, clandestine prostitution has also diminished, is really to state a fact which runs counter to the experience of every one who has studied the subject, which is, that, clandestine prostitution

* See Mr. W. Sloggett's evidence, p. 7, Minutes of Evidence before Committee of the House of Commons, June, 1869.

invariably increases with the decrease of the number of women who gain their livelihood as public prostitutes.

What I believe to be really the case is this—that the effect of the Act upon the women generally has been to render them more orderly and quiet in their demeanour. I have no doubt that a visit to the hospital has a humanising effect upon a woman's mind. She is treated with a kindness and consideration to which she is unaccustomed outside. Moreover she has withdrawn, if only for a time, from the vortex of dissipation into which she has plunged, and is surrounded by influences which are nearly all for good. When she leaves she does so with certain aspirations after a more decent life, and I believe this materially affects her conduct out of doors.

But at the Royal Albert Hospital we have a lady at the head of the nursing establishment, who is peculiarly fitted to deal with these women, and in the early working of the hospital our success in reclaiming women was very great. From April 1st, 1865, to September 30th, 1867, we either sent to refuges or returned to their friends 38 per cent. of the women who came under our care.

Dr. CHARLES TAYLOR, F.R.C.S.E., also read a paper on the subject. He said no one can look over the Contagious Diseases Act without at once recognising in it the most cruel, unjust, and despotic measure that has ever been proposed to a British Parliament. There is actually no definition of prostitution in the Act, and no proof of offence is required; positively the whole of the women of this country are placed at the mercy of a policeman's suspicions, a policeman's spite, jealousy, and revenge. Again, contrary to every principle of English law, the burden of proof is thrown not upon the *accuser*, but upon the accused, who may not only be innocent, but also penniless and friendless. So hopeless of justice are the poor girls, accused of prostitution, that Mr. Parsons states that, out of many thousands that he examined, only three or four appealed to the magistrate to relieve them, and this, although there is no doubt that many were innocent. If prostitutes decline to submit to the gross outrage of a periodical examination, the Act condemns them to three months' imprisonment with hard labour, which may be repeated indefinitely on continued refusal. So that any innocent woman of whom a policeman may choose to say, "In my opinion she is a prostitute," is forced to prove her innocence before a magistrate of a crime, the bare mention of which is sufficient to ruin her. One of the darkest features of the measure is the power of denunciation, which by it is placed in the hands, not only of the police spies, but also of other degraded classes—such as brothel-keepers, jealous companions, aged prostitutes, and in fact any one who may be sufficiently stimulated by unworthy motives to favour the police with an anonymous communication. Already it is in evidence that respectable married women have been denounced, out of spite, and that, for similar reasons, drunken soldiers have accused innocent persons of communicating disease; innocence only proved, however, after the grossest outrage.

I ask, what will be the position, under the Act, of our female operatives who are constantly confined in ill-ventilated rooms from eight in the morning till eight at night? Will they not be deprived of that liberty which is their right, and which, indeed, is the grand necessity of all, but more especially of those helpless sempstresses, milliners, and others, whose sedentary occupations, starvation wages, and close confinement entitle them, at least, to air, exercise, and recreation when their work is done. The contempt into which the police regulation of prostitutes has greatly brought the sex, and the consequent deprivation of personal liberty of all classes of females on the continent, has done more than anything else to cramp their energies, curb their development, and deprive them of their liberty to use their industry and talents to the best advantage for themselves.

What, I would ask, have the advocates of this Act to offer us in exchange for our birthright of freedom? Is it immunity from disease, improvement of the race, a higher standard of health, increased morality? These are the supposed advantages; I am quite sure they will not follow. My reasons for this conviction are: The fact that the weaker sex only is subjected to examination must alone in any civil community render the Act futile in good results, so far as the public health is concerned. But the main and most important points for consideration are the following facts, and I beg all who are interested in this question to give their most earnest attention to these two propositions:—First, "That society is not even in the slightest degree interested in checking such minor venereal affections as do not contaminate the blood or affect the constitution;" and, second, "That true primary syphilis, the only disease that affects the constitution, can rarely be detected in the female, and cannot consequently be checked by legislation."

I have obtained evidence from one of the state examiners on the continent to the effect that it is frequently impossible to detect syphilis until numbers had been contaminated (of course on false security), and often not then. A writer in a leading article in the *Medical Times and Gazette* observes, that the number of cases of syphilis in Paris was increasing, because the examinations of *les filles publiques* did not answer their end; the examination of women had proved fruitless, and would continue fruitless unless the men were subject to a similar ordeal. Police regulations and periodic examinations are in full force, but the cry is, syphilis is more rampant than ever.

We are told that certain women have been rescued; and to all who are likely to be deceived by this specious pretence, I would advise a perusal of Mr. Simons's pamphlet, and observe, that at present, where no obstacle is opposed to a return to virtue, few women pursue this mode of life longer than three or four years, and are then absorbed into the general population—that is, reform themselves. Let us reflect what a damning obstacle registration would be in the way of such women; and let us not ignore the fact that there are always

thousands only too anxious to reform, if there were funds provided to enable them to do so. It needs not enormous lazarets, salaried officials, Government machinery, and accommodation for 3000 patients, at a cost at least of 100,000*l.* per annum, with a first outlay of half a million of money, exclusive of annual charges for police and medical inspections—for London alone—to secure mock converts, when the Rescue Society, one of six similar associations in the metropolis, has alone, for want of funds, been obliged to refuse the applications of 5000 sorrowful and repentant women. We are told that the pains and penalties attaching to their condition will prevent women from joining the ranks of prostitutes ;* but it is well known that nothing can prevent illicit intercourse, and the only effect of the Act in this direction will be to drive girls, who have merely been guilty of indiscretion, into the ranks of open prostitution and keep them there.

And lastly, here is the magnificent result, after all this outrage and enormous expense—we are actually told that disease is abated. Why, at Shorncliffe it has already been acknowledged that it has actually increased under the Act. Reports last week (September 25th) proved, that in spite of the utmost vigilance, it was rapidly increasing at has been an increase at Portsmouth and Aldershot, and in no place has there been any diminution ; men and women both have been restricted.

Dr. Balfour's tables, given in the Appendix to the Parliamentary Commission's Report, prove, that prior to any interference, the disease was, of itself, and without legislation, rapidly abating ; and Devonport. In Colchester very little good has been effected ; there lastly, we cannot believe a word of the recent statistics as to the diminution of disease, because it was proved that ninety-eight soldiers, who had concealed their disease, and were consequently not included in the returns, applied to one druggist in one week, in one of the districts in question.

DISCUSSION.

Dr. R. E. HOOPFELL said, that if the Act were a good one, it ought to be canvassed throughout the length and breadth of the land. It was no use to say that this was an indelicate subject, for it was one which affected indirectly the personal liberty of the whole female sex, and indirectly the personal liberty of about 100,000 people. He would like to say one word with regard to the statistics. Dr. Taylor had taken the trouble to pick out a comprehensive statement of the gross result from the Parliamentary reports of this year and last year. It was no use to bring forward statistical details because those who did not know the whole circumstances could not form a just opinion. Unless the meeting knew whether other beds had been added to these hospitals, what was the use of being told what number of beds has been occupied ? When the Act of 1864 came into operation the authorities got hold of the bad cases only ; but now they got hold of all, and even detained men who were suffering from gonorrhœa—a comparatively innocuous complaint. Of course, if you bring in a number of trifling cases, of which no account was at first taken, the percentage would appear larger than formerly. There were six stations, viz., Chatham, Sheerness, Devonport, Portsmouth, Wool-

wich and Aldershot. He would now refer to the percentage of admissions into hospitals. At Chatham, between October, 1866, and March, 1868, the percentage was 22 and a decimal, or in other words, 22 per cent. of the strength of the whole army were admitted into the hospital. Well, during the past year, between April, 1868, and March, 1869, the proportion was 24 per cent. At Sheerness there were 12 per cent. the year before last, and 13 per cent. last year. Positively the number of cases were increasing at every station where there was the means of comparing the results. Where the Act had been in operation for the space of two years, the number of cases in the last year was greater than in the preceding year. The total result was 17·52 per cent. the year before last, as compared with 19·59 per cent. last year. So that actually more men had been admitted into hospital during last year than in the preceding year. That fact seemed to show not only that the Act had done no good, but that it had probably done much harm. He should like to make a remark as to what had been stated concerning the 2000 women at Plymouth. He knew the town well, and believed that the population was about 80,000. Now, it was known that the grown men were one in five of the population, the grown women one in five, and the children three in five. According to the statement which had been made, one grown woman in every eight in Plymouth was a prostitute. Why, the idea was absurd and preposterous. Another statement gave the number of common women as 770, but even that was a tremendous number. It came out in evidence that 770 were not known to the police three years ago, but no sooner did the Act of Parliament come into operation, than a very large number were added to the register. With regard to moral success, did the promoters of the scheme desire it? Was the object of the Act to reclaim prostitutes? Some people might say—"Do not touch upon that part of the subject," but we were bound to look it fairly in the face. Sir Henry Storks said, "Until the fact is recognised that prostitution is a necessity, no good will be done." But Christian men denied that prostitution was a necessity. Again the surgeon at Aldershot said, "There is a paucity of prostitutes at Aldershot." If he commented upon that, his opponents might perhaps say, "'Paucity' only means 'a few,'" but he would just point out that the word was never used except for the purpose of implying that there was a fewness which ought not to exist. In connexion with this, he might mention what had been told him in confidence that very morning. He had been told, that when the officials visited some of these stations, the question had been put—"How are the men provided with women?" The reason why the radius was extended from five to fifteen miles was that the women might not escape from the camps.

Mr. P. WOOLCOTT (Chairman of the Royal Albert Hospital) said: I shall not touch on any subject which is not within my own personal knowledge. I have been most intimately connected with the Royal Albert Hospital from its establishment, nearly six years ago, and I am glad to be able to correct some of the mistakes which previous speakers have fallen into, because I think they would otherwise have a considerable influence on your judgment. In the first place, one gentleman told you he did not consider that the published tables showing a diminution of syphilitic cases proper gave a fair average, because they embraced a great many trifling cases. Now, that that is not a correct view of the case I will show you by means of a table which I have prepared from the books of the Royal Albert Hospital. In this table, I ought to remark, I have separated syphilitic cases from those of gonorrhœa. When we began we had 54 per cent. of syphilitic cases, and when we ended they were reduced to 17. To show that these were not trifling cases, I may mention that the average duration in the hospital during the last period was 56·84 days, so that it was obvious that they could not have been very trifling cases. The next mistake which the gentleman has fallen into, is in dealing with the number of prostitutes supposed to be in the three towns with which I have the honour to be connected. The population of those three towns, instead of being 80,000, is over 120,000. When we began our inquiries, a nominal list was most carefully prepared, which I have seen and verified myself, and it shows that there were over 2000 prostitutes in those three towns. The number, however, is now reduced to 750 or 770. We were asked whether our object was to reclaim these unfortunate women. Well, I reply, without fear of contradiction, that our object is to reclaim them consistently with the duty which the Legislature has called upon

us to perform, and as a proof that our efforts in this direction have not proved unavailing, I can tell you that out of the whole number of prostitutes passed through the hospital, we have reclaimed nearly 33 per cent. I also beg leave to say that the statements which have been made as to women being brought up improperly by the police are utterly and absolutely unfounded, as far as my own personal knowledge goes; and having devoted days and nights to the subject, I think I have some right to speak with some degree of authority upon it. There has never been a single case in which the woman brought up was not a prostitute. Several girls have come up from time to time for examination by the visiting surgeon, who have declared that they were not prostitutes. In all such cases a strict inquiry was instituted. With reference to the interference with the liberty of the subject I venture to say that when a disorder is rampant in the land, it is necessary that the liberty of the subject should be occasionally interfered with. I say that the medical profession aided by the legislature does interfere with that liberty, in order to prevent the spread of small-pox and cholera; and the evils arising from syphilis are infinitely greater than those which result from any other disease—evils far greater than unprofessional men are aware of. It does appear to me to be the merest straining of an argument to say that the legislature ought not to interfere when it has the means of diminishing the evils of a dreadful complaint.

The Rev. WILLIAM ARTHUR said: As soon as I became aware of the proposed discussion in this Section, and had ascertained that the Statute bearing the very vague title of "The Contagious Diseases Act," had a very grave signification, I offered to the Secretary of this Section to present a paper on the subject. My offer was, however, declined, on the ground that it came too late. For many years, in Paris and Brussels particularly, and partially also in Rome, Naples, and other continental cities, I have spent a good deal of time, much labour, and some money, and likewise risked some reputation in investigating this subject. Now let us clearly understand what we are about. Because it is said that certain soldiers, being regularly supplied with women, and well attended by medical officers, have among them less venereal disease than they had before, and because a given number of women, also well attended by medical officers, present fewer cases of disease than women not so attended, we are asked to extend the provisions of the Act to the whole country. That means (1st.) That prostitutes should be inscribed on a register kept by authority of law; (2nd.) That they should be submitted to regular medical examination periodically; (3rd.) That after examination they should receive a certificate to the effect that they are fit to resume their commerce. Judged by what takes place in countries where like measures have been long in force, such would be the result of the proposed extension of the Contagious Diseases Act to the civil population. After examination the women receive a certificate, the effect if not the purport of which is, that they are fit to resume their commerce, and if found unfit they are medically treated till their health is restored, and a certificate is then given that they may again go to their traffic. The amount of physical suffering inflicted by the disease is so great that humane men are naturally driven to seek for any lawful remedy. That those whose study of the question has been in its military or medical aspects should think of the remedy suggested, is indeed most natural. But after all, these are the narrowest and most superficial of its aspects, and before it can be shown that a case is made out, two things must be attested, and that by the experience of countries during long periods of time, where the system of legalising prostitution has been tried. These two things are, (1st.) That it actually does diminish the amount of physical suffering resulting from the illicit commerce of the sexes; and (2nd.) That it does not lower the moral tone of both sexes, and tend to loosen the family tie, to reduce the number of marriages, to check the natural growth of population, to deteriorate the *physique* of successive generations, and, moreover, greatly to increase prostitution, concubinage, and those vile marriages wherein either party agrees to be the screen for the vices of the other; and last, but not least, awfully to increase the crimes relating to illicit intercourse, such as, infanticide, suicide, assassination, and a host of dark and disgusting offences against life and person. I here affirm, after years of study of this question, both at home and in many of the chief cities of the continent, and after a careful perusal of every page of the exhaustive work of

Parent-Duchâtelet "Sur la Prostitution dans la ville de Paris," that I do not believe that the amount of physical suffering resulting from unchastity is decreased in a country by legalising the trade of the prostitute. No doubt in the small sphere of a camp or garrison, if women well tended by doctors are supplied to the soldiers, fewer of them will be diseased than would otherwise be the case. No doubt also, that if in a town a number of women are so tended, fewer of them will be diseased than of a similar number elsewhere not so registered. But these two facts give an induction far too narrow to serve as the basis of a general conclusion, for they do not include facts which are essential to the case. Wherever the system of inspection exists, it is found impossible to bring all under it. Around the registered women is formed an outer circle of those who are too respectable to submit themselves to the weekly inspection, but who habitually take the risks of the street. These women are extensively diseased. Even of the registered women a certain percentage are likewise diseased, and from the two classes the malady is so far diffused that evidences of its prevalence, in very offensive forms, are often thrust before the public view. In a small town in Dauphine as healthily situated as possible, my able medical attendant told me that in but few families were the children healthy. This he ascribed to loose morals generally, but especially to the conscription, for, he said, the finest young men are drafted into the army, and after six years return hopelessly diseased, and the effects of this are diffused everywhere. No gentleman here will, I think, be prepared to say that there is less syphilitic disease in France or Belgium than in England, and every one will agree that if the tendency of the system is to promote unchastity generally, it must necessarily spread physical suffering and social disorder. In what a position does it bend the lordly form of law! That of licensing the self-vendor and certifying her to the purchaser as fit for use. It is impossible to say that the law can stoop to this without lowering the public sense of modesty, of the dignity of man, the sacredness of woman, and the responsibility and mystery of that union wherein humanity has its continuance. The certificate given to the prostitute is not like the ticket of leave granted to the convict, which permits him to range on condition that he does not return to his evil courses. On the contrary, it is delivered to her as her credential in returning, and thus makes the law a patron and protector of her trade. To what a posture does it bend the gentle form of medicine! When a doctor mercifully tending the worst of women sees his skill crowned by her renovated health, he stands on a point of sublime vantage for saying, "Sin no more lest a worse thing befall thee." But if the result of the cure is that he must write her fit for the streets this night, from him, minister of misery, words of counsel would come ill. When two moral powers so lofty as law and medicine have thus forfeited the right of rebuking impurity, no wonder that it grows calm, self-complacent, and playfully aggressive. The certificated Parisian prostitute good humouredly protests that she is in just the same relation to society and to the State as the butcher or the baker. Their trade is lawful, and so is hers. They are not allowed to vend diseased food, she is under a similar restriction. But just as much as they is she recognised. With this mental drug her conscience is soon set at rest, and when to this is added the periodical physical degradation of the inspection, she is turned into the aptest instrument for tempting man or woman to the vile house, the one under assurance of sound health, the other with arguments as to the legality and safety of the profession. Altogether she becomes baser and more dangerous than if left as a conscious offender against human and divine law. How greatly does this state of things add to the temptation of a poor girl pushed by poverty, or by the result of seduction to cast herself away! How much it lessens in the eyes of all the lower classes of women the disgrace and danger of the last dark step into the street. The effect of legalising prostitution upon the moral sentiment of men is not less than in the case of women. There are many offences which the law cannot hinder, but which it never compromises. Theft can find no place of shelter, but fornication is ministered to with learned care. In this state of the law is tacitly recognised an acknowledgment that it is not a crime, and that somehow the providence which has placed a Cerberus at the door of the harlot's chamber is at war with the welfare of the State. Men once taught to frequent the worst of women, learn to covet and conspire against the best; and the enticement and corruption of innocence

censes to seem a damning blot that would soil their being, and becomes an achievement to be carried out. Wives are not more sacred than daughters. Marriage itself is called on to gloss over the moral deformity, as medicine is to avert the physical pains of licence. Though in Paris the number of registered prostitutes is great, and those of non-registered ones greater, yet one-third of the births are illegitimate: and, alas! of the marriages, how large a proportion are, on one side or the other, vitiated by infidelity. The number of offences against person and life, which in our own country are traceable to illicit intercourse between the sexes is appalling. Still more is this the case in France. The instances in which infanticide, suicide, and assassination are the deeds of harlots or their paramours, of seducers or their victims, make a total of sin and woe flowing from one source, which should make any man pause before he shed on that source one ray of respectability. Making the largest possible induction from society in different forms, first in the scarcely organised condition of the savage life, next where it is organised on the basis of the harem, and finally where it stands on the Christian basis of the family—we may fairly deduce as a law, that the crime which lies in propagating human life by impulse without moral law shall in some proportion alter that kindred crime which lies in destroying it by the human hand. On this subject the man of science must either forget his habit of forming judgments based on systematic observation, and take to guesses backed by sporadic facts, or else he must in presence of prostitution shudder as before an outlaw branded and even blasted by three distinct laws—one seminal, touching the existence of the race, one bodily, touching the health of the individual, one social, touching the welfare of the community. That offence is in succession branded by each of these—by the first, with sterility, appealing to humanity at large, and saying that the Maker of men marks out this as the way to the extinction of the race; by the second, with disease, appealing to the physical feelings of the individual, and saying, “This foul deed is punished by foul torments”; by the third it is branded with its results of crime. Infanticide, suicide, and murder, in many forms springing up as its ravening followers, with a smaller reptile brood of lies and promise-breaking, of jealousy and heart-burning, of low occult deeds, sparing nought of human arcana, not even the unborn. Where the prostitute sits, either in the temple of religion, as in heathen countries, or in the temple of law, as in continental ones, a serious decay of the moral sentiment in both men and women is inevitable. In our own country the fact is patent that much of our London prostitution is supplied by French women and Belgians. This fact proves two things: first, that the number of women so far fallen as to take to the streets is not enough to meet the demand of our immoral men; and, secondly, that in the country of our two nearest neighbours, where they practise the system of inspection, the women are so trained as to supply an export of prostitution. Surely this fact goes strongly against subjecting our own women to the educational influences of such an institution. Does it not also point to the quarter in which to turn the eye of the police, and apply the disgusting rule of inspection, namely, not to the purchased but to the purchasers, not to the harlots but to the men whose name in English is so low that we do not pronounce it, although that low word is their true name? Propose that every man seen to frequent houses of ill-fame shall be inspected, and that, if found diseased, he shall be sent to hospital, and not let loose on society till he is cured. Then you will commit no abomination, you will harden no one in crime, you will set no additional snares in the way of the young, and you will impose in the case of many a lad the one additional check which in a day of debate would prevent him for the first time crossing the accursed threshold which is the way to death. The occasion alleged is ominous. We are to license immoral commerce in every town, because it saves a percentage of soldiers from disease, and reduces the average cost of the men in our army. The loads laid by war on the back of humanity are many and sore, but of them all, in modern times, none is so odious as the corrupting influences of standing armies. If for our English army we are now to pay the new tax of a recognition of a new class of State servants, the conscience of many will groan under the burden. The time is not favourable for such an attempt. For the last few years a painful feeling has been creeping over the public mind of a deteriorating tone in high places on those supreme morals which guard human life from pollution.

at its source. The speaker being reminded that he had exceeded the time allowed to each speaker, concluded by moving the following resolution:—"That this meeting records its protest against the secret legislation which has marked the progress of the Contagious Diseases Act in all its phases, and deplors the extension of the Act to several towns which are in no sense garrison towns, which has recently been recognised without the knowledge or consent of the people, and without any public discussion of the subject; moreover, it considers that the extension of the Act to the civil population generally would not only fail to arrest disease, but would be fraught with the greatest injury to the best interests of society."

Mr. PEARs, the General Secretary, called attention to the fact that the passing of resolutions on occasions like the present was in contravention of the rules of the Association.

Mr. W. H. MICHAEL, who temporarily occupied the chair in the absence of Dr. Symonds, the President of the Department, said that so many resolutions had been already passed in that Section that he should not prevent Mr. Arthur's proposal being put to the meeting. If the Department were acting irregularly the Council would overrule their proceedings.

Mr. CHRISTOPHER BULFREL (Bristol) commenced by correcting a mis-statement of Mr. Arthur's, namely, that every woman examined and found free from disease was provided with a certificate which was in fact a clean bill of health, and amounted to a licence of prostitution. By the 8th section of the last Act it was enacted that when an order for discharging a woman was made, such order or certificate should be delivered to the Superintendent of Police and retained by him. The papers which had been read appeared to him to suggest three very important topics for discussion. In the first place, Was it right that the State should interfere with these contagious diseases at all? Secondly, What had been the effect of the present legislation, and was it capable of amelioration? And thirdly, Was it desirable to extend the operation of the Acts to the civil population? He wished to make each of these points the subject of a few remarks. The first was the most important, being in fact the fundamental point. It had been said repeatedly, that the interference of the State in these matters partook of the nature of immorality, and that it was, moreover, an interference with the liberty of the subject. It was objected further that such interference was unnecessary, that the results of the Act were unsatisfactory in a sanitary point of view, and that the cost of its application was enormous. In regard to immorality he had heard it argued that as these diseases were the direct punishment of God for indulgence in a particular sin we ought not to interfere. He had hardly expected to hear such an argument put forward in such an assembly as this. Contagious venereal disease was no more a punishment than the contagious disease caused by overcrowding, and yet in the latter case they never heard of preventive measures being objected to on the ground that the punishment of heaven ought to take effect. Never, he believed, did the fear of contagion prevent a man from indulging in sexual connexion. The female sex know nothing about contagious disease till they have fallen under its influence, and repeated attacks of disease do not deter them from persisting in their course of life. Then it is urged, that as far as legislation has gone at present its sole object has been to provide healthy prostitutes for the use of the army and navy. Were this view of the case correct, however, he would never have consented as he had done to take gratuitously the charge of the lock patients at the Royal Albert Hospital. It was perfectly true, indeed, that the health of the army and navy was the first object of the Act. But while the cure of bodily disease was the primary object, the Government had always recognised the duty of providing for the religious instruction of the women in the hospital. Again it was said that the system would tend to legalise prostitution. This, however, was not the fact, for there was all the difference in the world between recognising and legalising anything. Now philanthropists, clergymen, and medical men acknowledged that prostitution was a giant evil with which we must grapple if we desired to confer a lasting benefit upon our country; and, in conclusion, he would point out that those who opposed the measure had never proposed any alternative remedy for lessening the evil.

Professor F. W. NEWMAN said it was with great unwillingness that he obstructed

himself upon the meeting, which consisted for the most part of medical men, but he had been induced to do so in consequence of letters he had received from ladies personally unknown to him, who requested him to come forward and speak against the extension of the Act. These ladies regarded the prospect of such an extension with horror and indignation. Many of them had indeed intended to come to the present meeting, but they were astonished to find that their presence would not be admitted. They were quite horrified at the iniquity proposed to be perpetrated upon their sisters. He certainly thought the matter was one which ought not to be discussed in the health section until the moral question had been settled. It was of course impossible for any non-professional man to discuss such a subject with medical men, but he would remark that in future Parliament would not be able to deal with it in so sly a manner as they had done on previous occasions. The debate would then be conducted by non-professional men, who would form their judgment according to common-sense on the broad general principle involved. Every one must be aware that in medicine, as in religion, there were different creeds. In conclusion he seconded Mr. Arthur's resolution.

Mr. P. H. HOLLAND said that whatever divergencies of opinion might exist on other subjects among the medical body, they were at all events agreed that syphilis was one of the most fruitful forms of disease, both in the immediate sufferer and his descendants. They almost all agreed, too, that the introduction of the Act had diminished syphilis enormously. If the object of the Bill were clearly explained to the women of England, he did not believe they would regard it with horror and indignation. He maintained that prostitutes were criminals, and surely society was justified in protecting itself against a class of women who were a pest to the community. With regard to the absurd statement that the Bill affected all the women in England, he would merely remark that in Devonport not a single case had occurred of a woman being brought up who was not a prostitute.

Mr. ROBERT CHARLTON objected to the extension of the Act, on the ground that it would indirectly render prostitution a legal calling. Nothing could be more effectual than that in debauching the conscience of the country and deadening the moral perceptions of the people. It was quite possible that the Act might work well among the soldiery, who were, with rare exceptions, prohibited from marrying, and whose mode of life was abnormal; and yet the measure might produce disastrous results if it were extended to the whole population. When the true character of the measure was made known to the Christian people of this country, and to the labouring classes, he believed that a storm of indignation would arise which no power in the kingdom could resist for a single day.

Mr. DAVID DAVIES referred to the increasing prevalence of syphilis in Bristol, where he asserted scarcely any young man reached the age of puberty without passing through some phase of the disease. He was decidedly in favour of the extension of the Act.

Mr. WORTH reprobated the unconstitutional principles involved in the Act, and dwelt on the fact that men were not liable to be secluded under its provisions.

Dr. DRUITT (London) called attention to the fact that in Paris at the present time syphilitic disease was more prevalent than ever, and those physicians who were most intimately acquainted with the subject, said it would not do to restrict the examination to the women. He did not agree entirely with either party in this discussion, but he would venture to say that the first object of the Legislature should be the repression of vice in any open form. Every woman found soliciting men in a public place ought to be under the surveillance of the police.

The Rev. WILLIAM KAYE, as a Christian minister and the chaplain of a county gaol, protested strongly against the extension of the Act to the civil population.

The Rev. HENRY SOLLY objected to the Bill, because its effect, if not its avowed object, would be to make the pursuit of vice safer than it was now. Instead of extending the Act they ought to endeavour to repeal it. They ought not to do away with the punishment which Providence inflicted upon those who committed one of the most soul-destroying of sins.

Dr. STALLARD said that it having been his duty to examine the men in a regiment he had come to the conclusion that examination scarcely ever led to the

detection of a case of real syphilis. The examination, however, had a bad moral effect on the men, and a still worse effect on the women. With regard to the army much good might be effected by shortening the period of service, and by finding more employment for the men. The women who haunted the neighbourhood of Aldershot were vagabonds to all intents and purposes, and ought to be dealt with as such. He agreed with Dr. Druitt that open prostitution might be dealt with by the Legislature.

The Rev. W. L. CLAY pointed out that the Section would be out of order if it passed resolutions on the present occasion. He denied that there had been any attempt to pass the Bill on the sly. On the contrary, its promoters were of opinion that the more widely it was discussed the greater favour it would meet with from the public.

Mr. PALMER thought that if a man were guilty he ought to be punished, and that if a woman were diseased by a man she should have the right of bringing an action against him.

The Rev. EDWARD MATTHEWS was of opinion that the prohibition of Sunday drunkenness would tend to lessen the amount of prostitution. He supported Mr. Arthur's resolution.

The Rev. HENRY MARTIN protested against the assertion of Mr. Davis concerning the prevalence of venereal disease among the youth of Bristol and Clifton.

Dr. EDMUNDS thought the measure would prove a mere delusion.

Mr. MICHAEL was of opinion that the Section ought not to pass any resolution until they received fuller information on the whole subject.

A discussion here arose as to whether the resolution should be put to the meeting, and eventually it was decided that it should.

Mr. Arthur's resolution was then put to the meeting and carried.

On Some Points of Hospital Management. By CATHERINE TOLSON DUCK.

HOSPITALS form so conspicuous a feature among our social institutions, that their power and importance can scarcely be over-estimated. They have of late been brought so prominently before the public that no apology is required for introducing them to your notice on the present occasion.

It has become a serious question how far they are injurious by the simple aggregation of persons and diseases, and in order to prove that they are so, those who deprecate them in their present form, bring forward the unfavourable results obtained from operations performed in large hospitals, as compared with the favourable results of operations by private practitioners. The same kind of comparison has been instituted, and with the same results, between the death-rates in lying-in hospitals, and those where poor women have been confined in their own homes. We are told that the Royal Maternity Charity attends more than 3000 poor women each year, at their own homes, in the worst parts of central London, by means of intelligent midwives. For sixteen years, 1850-65 inclusive, the deaths on that charity's records during the lying-in period are 135, or one in 375, and of these 135 deaths, forty-nine occurred from other causes, such as consumption, cancer, and paralysis. The

figures for five years in all the London workhouses show one death in 128.

In Queen Charlotte's Hospital the deaths are eighteen times as many as occur among the poor women attended by the midwives of the Royal Maternity Charity. In the Nightingale midwifery ward of King's College Hospital, the mortality was progressive as years went on, until, in 1867, it destroyed one woman in thirteen, when the Committee felt themselves obliged to close the ward.

Dr. Lefort's work on Maternity shows that in the Lying-in Hospitals in Europe one woman in twenty-nine died, while of cases in their own homes one in 212 died.

I have chosen to quote these references from an easily accessible source. A paper by Dr. Kennedy, on "Zymotic Diseases as more especially illustrated by Puerperal Fever," read before the Obstetrical Society, Dublin, 13th March and 10th April, 1869, gives us results of a similar character.

These statistics, considered at the consequence of mere aggregation, would be quite out of my province to touch on, but I would ask whether they can form adequate data from which conclusions may be drawn as long as the management of hospitals is such as now commonly exists. For the simple, though dire consequences of the aggregation of patients, governors cannot with the past—even the almost existing—views of the construction of hospitals be held responsible; but for all those evils that result from maladministration, for all those lives that are sacrificed from the neglect of precautions of the necessity of which they ought to be cognisant, the public and the poor have a right to hold them accountable.

I have had some insight into the internal working and management of general hospitals in London and the provinces, and feel assured that the prevailing want of cleanliness, in larger and smaller institutions, would of itself suffice to produce results similar to those detailed by the Committee of the Guardians of St. Pancras, as reported in the *Times* of the 14th September. Even where superficial cleanliness is maintained, there is frequently a want of that scrupulous attention to detail in the domestic arrangements, which must prevent the best intentioned women from carrying out the minutæ of good nursing.

Governors of hospitals hold out to the sick poor a promise that they shall receive within the wards of these institutions greater advantages and chances of recovery than they can have in their own homes. How is this promise too often fulfilled? I have known fresh patients brought into a hospital and placed on beds recently occupied by others suffering from different diseases; not only on the same unclean beds, but with the same unwashed blankets, quilts, and sheets, and this not by accident, but necessarily from the inadequate provision made for the reception of the patients. I have seen the same uncleansed bowls and sponges carried from one patient's wounds to another. I have known foul linen to lie day after day in the immediate neighbourhood of wards. Worse in appearance, though

not so dangerous, I have seen scrofulous patients in dirty beds peeling potatoes for the ward dinner.

These facts and their allied ones, of which many could be instanced, must be most important factors in the propagation of disease in hospital wards. For these the governors are clearly responsible, and the patient who comes into a house and is subjected to them, and loses his life in consequence, is a victim of their negligence if not of their ignorance.

These are evils affecting not only the individual but the people belonging to him. To bring this clearly home to the mind we must pass from the ward of the hospital to the home of the patient. Take the father of a family, a wife and children dependent on his exertions; imagine the misery, the pauperism, the often worse than pauperism following his death, and then think, that that death was occasioned by preventible causes, that these causes originated, if not in the neglect of the governors, in their want of appreciation of the necessary conditions of health in the institution, and finally that the man was tempted into the house on what was after all a false plea.

The next class of evils to which I would allude in passing are those affecting diet and the administering of medicine. Food is often badly cooked, and more often untemptingly served, little adapted to stimulate the appetite of an invalid; and insufficient accuracy is observed in critical cases in giving it with the exactitude and nicety prescribed by the doctors.

I merely allude to these instances as illustrations, not in the least to criminate any one system in particular.

It is not my wish to dwell on existing evils further than to show what is wanting, and that before hospitals are decried as baneful institutions, opportunity should be more commonly given of seeing how they would work when radically well administered.

I will sketch the faintest outline of a plan which I think would embrace the chief points that are insufficiently recognised at present, or, if recognised, not generally carried out.

The head of the domestic and nursing department, be she called superior, lady superintendent, or matron, must be a gentlewoman of sound education, of the highest principle and feeling, and must have that kind of intellectual capacity which would enable her to take a comprehensive view of the whole, and from this work out the detail in its minutest particulars. She must be possessed with a living and unwearying love of her labour, a high faith in the ultimate, though it may be distant, result of pure and true love.

It must, however, be always borne in mind that no amount of religious enthusiasm, nor the highest social position, can fit a woman to become a hospital superintendent without sound practical education and judgment. To her must be given the position of mistress of the house, with power to select and dismiss all nurses and household servants. To assist in the domestic department, she would require a house-steward or housekeeper, who should order in the stores, keep an exact register of all incomings and outgoings

connected with household consumption, superintend the cutting and serving all diets of patients, keep such a register of the diets ordered by the "Staff" as would show the proportionate consumption of food, wine, malt-liquor, and spirits by the patients and by the officers of the house—keep also a minute system of household accounts, and superintend the expenses of the laundry, which, for the sake of immediate transmission, should be on the premises, but not under one roof, with the hospital.

Unless the institution be a small one it would be well to have in the wards women of education to superintend and take part in all the more important portions of the nursing, and these women should be in sufficient numbers to ensure the work being thoroughly carried forward. They must be entirely subordinate to the mistress of the house, and obedient to the written directions which she should give them. They should have charge of the linen, and the medical and surgical stores of their own wards. They should see that bowls and other utensils are always kept tested for their purity, and that disinfectants are in general use. They should also see in infectious cases that beds and everything used undergo a proper disinfecting process. They should administer medicines, and should be held responsible to the mistress of the house for all that occurs within their wards. They should keep such registers of the important symptoms of their patients as would enable them to give correct reports to the medical officers. Under them should be placed nurses, who should all be trained in the house—unselfish, intelligent women, of good principle, interested moreover in the work in which they are engaged, regarding it as their vocation. There should also be probationers kept in training, to supply vacancies as they occur, and to supply other institutions and private families, thus forming a nucleus of good nursing. There must be scrubbers to do the harder part of the cleaning, but it is very desirable that the nurses and probationers share in the labour, so far as it does not interfere with their duty to their patients. It is good for their physical health, and will check their falling into that mental condition which makes them think themselves too fine to work.

Nurses should be well-fed and well-paid. A scale of wages, increasing with the length of time the nurses remain in the house, should be adopted.

It is a safe, and therefore a sound, principle, that all gentlewomen as well as ordinary nurses in hospitals, should be selected on their own merits, and paid according to the value of their services. If they choose to contribute their salaries to the institution, it is the gainer, but no pecuniary consideration should weigh against qualifications. It is greatly to be desired that gentlewomen who are dependent on their own exertions—and these are many—should turn to this field, at present almost unoccupied by them, and here find honourable, interesting, and useful employment. Nursing is essentially a feminine occupation, and one in which the beauty of womanly influence would be peculiarly felt. It would, at least, not fail to bring a rich reward of gratitude and affection.

So long as the male population is largely exceeded in numbers by the female population, women must seek work—on the one hand to fill unoccupied time, and to give a sense that life to them is not a wasted gift; on the other, to obtain a livelihood on the part of such women as are insufficiently provided for, and are too right-minded to prefer being maintained by other people. Various fields of labour are being set open to ladies, and I would affectionately put it before them that nursing, and kindred works, which are pre-eminently feminine, and where womanly power may be legitimately exercised, would be better worth their fitting themselves for than any occupation that would bring them into direct competition with their brethren.

In conclusion, I would earnestly press home on all executive committees of hospitals that the work they set before them is a high one, and that these institutions originated in some of the noblest motives that can prompt the human mind to action.

Now that the public is aroused by the question, whether the aggregation of diseases under the most favourable circumstances is bad, will not committees seek into the causes of mortality, and learn wherein they have failed in the part that devolved on them? Will not they set before themselves as their highest ambition the working out of such a plan as may disprove the allegations made against hospitals at the present moment? Will they not carry out such a system of radical cleanliness and efficiency of detail, that the mortality may greatly diminish, and the promise held out to the poor be fulfilled? Shall not the whole scheme of hospital management be at length effectively pursued, as one among the most useful which true and noble-minded men can enter on?

A Plea against Drunkenness. By SIR JOHN F. DAVIS,
BART., K.C.B.

THE Report of a Committee of the lower house of Convocation to the upper house, or bishops, has been sent to me, and is, from its character and extent, the most important and authoritative document that has appeared as yet on the subject of drunkenness. This being an ugly vice, I will call by its own direct and ugly name, and not by the negative and softened term of "intemperance," which besides is applicable in common to every possible degree of excess in the use of all gifts or faculties whatever, and therefore does not with sufficient distinctness and ignominy mark the most direful pest of the present day. The report is founded on the concurrent testimony of the largest range of evidence ever brought together, from the judges of our Superior Courts of Criminal Law to the subordinate officers of the police; and comprises, besides, every authority, clerical and lay, whose experiences and information were best entitled to reliance.

It appears from this Report that, while during the last fifty years or more, a vast change and improvement have taken place in the upper and middle classes, the lower have deteriorated in a marked manner; and that, instead of being now confined to adult men, the vice is extending to women and the young, and even to children. However valuable the reform of the upper classes, as an example, the area, as we descend to the base of the pyramid, must always enlarge, and become more formidable from its greater extent, and the greater difficulties encountered in dealing with it.

I am old enough to remember the state of things among the better classes some half century ago, "*quæque ipse miserrima vidi*," but even then it was somewhat short of the scene about seventy years earlier, described by Sir Walter Scott, between the Baron of Bradwardine and the Laird of Balmawhapple, where the "Tappit hen" went round the board to pick up the few grains of reason that had been left by the "Blessed bear." Lord Brougham, in his great speech on the state of the law in 1828, gave a graphic account of what occurred much later. In a certain town, one suburb was peopled by Irishmen and Scots, who were wont to fight on market days a good deal, and at fair tides a good deal more. Besides these, there also dwelt in those parts certain justices of the king, assigned to keep the peace, for the better conserving of which they repaired at the hour of fight to an ale-house, conveniently situated hard by the scene of action, and there took their seats with a punch-bowl full of warrants ready to fill up. If the Irish happened to be victorious, the Scots came one after another and applied for commitments against those who had assaulted them. The despatch with which warrants at least, if not justice, were administered, was notable. Then came the other party, and swore to as many assaults against them; and justice being even-handed, they too had their desire gratified; until the bowl was by degrees emptied of its paper investment, and a metallic currency by like degrees took its place; a portion of it to be converted in due time into punch, for the refreshment of the justices.

The failings of the rich certainly complicated the problem of a general reform. It was difficult to find fault with inferiors where the retort of *tu quoque* might always be at hand; and to put one of his majesty's squires in the stocks was a contingency too dreadful to contemplate. I may incidentally observe that the complete abandonment (by custom, and not by repeal) of that ancient institution, the stocks, was not altogether wise, seeing that disgrace constitutes the most appropriate treatment of disgraceful vices, and has a very deterrent effect. It appears from the voluminous evidence above referred to, that young boys in the labouring classes begin drinking with the stupid notion that it is grand to be seen drunk in the company of grown men; just as silly young fellows of fifteen and sixteen in the upper and middle classes are vain of muddling themselves with cigars and pipes, though it often makes them sick. In the case of the far more pernicious habit of drunkenness, all mistaken notions of the kind would be best counteracted, and wiser reflections

induced, by a moderate enthronement in the stocks. As the Chief-Justice says in Shakespeare, "To set them by the heels would amend the attention of their ears." To talk of degradation is absurd, for what can degrade a drunkard?

The deterrent effects of comparative disgrace in a higher grade of life were illustrated by Mr. G. W. Hastings, in his excellent address, when he noticed the practice formerly prevalent in Ireland, of lady-stealing, or carrying off heiresses; until the condign punishment of one of the gentleman criminals by imprisonment, with picking oakum, and cutting the hair short, dispelled the romance.

And now I will incidentally notice the social mischief that has been worked in this country by the small but influential sect, the "humanitarians." It is notorious that these gentlemen have succeeded in prodigiously increasing crime by reducing its penalty almost to a nullity. What shall we say to such contradictory terms as comfortable incarceration, and full-fed felony? The ruffian murderer escapes death under the bland title of the "unfortunate man," and the garotter who all but murders his prey has only lately got the lash, the sole punishment he is capable of feeling. His back has at last been placed on equal terms with the throat of his victim. I must observe that humane and humanitarian are really antagonistic terms. Humanity seeks the security and prosperity of the industrious and innocent by the deterrent punishment of the predatory and guilty; the humanitarian selects his pets from the police-station and the condemned cell, regardless of their victims, and of the rights of civilised society. I remember in the days of coaching having argued with a Quaker on the necessity of capital punishment, and quoted, as a scriptural sanction, "Whosoever sheddeth man's blood, by man shall his blood be shed." "But that was under the Jewish dispensation," said the Quaker. I did not tell him that the same might be said of the Decalogue itself; but added, "I hope it may always be a part of the English dispensation." But there is a prodigious interval between the cruelty of Draco to the guilty criminal, and the forgetfulness of the humanitarian to the suffering victims and to the claims of society at large. In this interval seems to lie the path of common sense and of sound criminal legislation.

Mais revenons à nos moutons—let us return to our drunkards. I am sorry to say that from my personal observations, both at home and abroad, we English are about the most drunken nation of Europe, excepting, perhaps, the Danes. I once, while in China, was on board a Danish man-of-war, on the public occasion of the king of Denmark's birthday. Being accompanied by some captains in our navy (of whom the present Admiral Sir Charles Talbot was one), we were not a little surprised in the evening to see the captain waltzing round the capstan with his own boatswain, a nautical evolution wholly unknown in our own navy, and approaching more to the license of the Roman saturnalia. We had little, however, to boast of on our own side, for, with a population of English not a tenth part of the number of Chinese, the exhibitions of drunken-

ness at Hongkong were by far the most numerous among the former. The custom of "liberty on shore" from the navy was productive of such scenes as almost baffle description. A couple of marines might be seen on the ground in the middle of the road, with their clothes torn to rags, pommelling each other, but so helplessly drunk that their blows fell almost as ineffectually as those of children. A number of Chinese standing round amused themselves with the disgraceful scene, encouraged by the helpless condition of our countrymen to a degree of proximity, and to the practice of liberties, which they would not have ventured on had the case been different; and they would by turns lay one miserable sot over the other and give each of them a chance, as the rules of fair-play seemed to dictate, until the arrival of the police put an end to the public scandal. So sensible were we of the liability to this national disgrace that, during the few days in which the Imperial Commissioner Keying paid me a visit in the colony, the Admiral considerably restrained the sailors of the fleet from "liberty on shore." Nor was the case much better with the garrison on land. It is a striking fact that while the prisoners in gaol, debarred as they were from liquor, were healthy enough, the soldiers in barracks were dying at the rate of ten a week out of an aggregate force of about 2000 men. A picket went round every evening to sweep in the men from the drinking shops, where they obtained samshoo, a spirit drugged like the liquor in our beerhouses, so as to produce the greatest amount of drunkenness at the smallest amount of cost.

A vast mass of evidence is brought forward in the report of Convocation as to the causes, direct and indirect, of drunkenness, and with these we seem now to have most concern; the grand question at present being the remedy. As to the effects and consequences, in the generation of crime and pauperism, these now constitute a national calamity, the extent of which has given rise to a national movement. First and foremost of the direct causes stand the beerhouses, and this is recognised and confirmed throughout the Report. Lord Brougham, our late President, was (as well as the Duke of Wellington,) seduced at first by the delusive aspect of the scheme, but subsequently admitted his error and attempted its correction. The late Act, placing the licensing of beershops in the hands of the magistrates, is a move in the right direction, and the first effect we may hope will be a gradual diminution in their numbers, so absurdly disproportioned as they are to the population. In my own neighbourhood there have been three of these for more than thirty years, with intervals of a quarter of a mile between each, thus enabling the drunkard to stagger from one to the other until he reaches the Scottish test of extreme intoxication—holding on by the floor; or that described by Byron, "Methought I stood upon the ceiling." The diminution should be gradual, but I confess to my conviction that the ultimate end ought, according to the concluding advice in the Report, to be the repeal of the Act of 1830, and the total abolition of

beerhouses, allowing persons to obtain their beer as they did previous to that enactment, or in any better manner that may be devised. A terrible experience of thirty-nine years has proved the necessity for this only effectual remedy. All tampering with the evil is vain :—

Non Hydra secto corpore firmior
Vinci dolentem cecit in Herculem.

Education (which I heard a judge declare from the bench had *not* diminished crime) will do little while the drink is close to the labouring man's door. As long as Circe's enchanted cup is, as it were, *forced* on our rural population, they will inevitably drain it, and be turned into swine !

THE DRINKABLE WATERS OF BRISTOL.

The Drinkable Waters of Bristol. By W. WALTER STODDART, F.G.S., F.C.S.

A GREAT deal has been said and still more written about the supply of pure water for the inhabitants of towns and cities ; nevertheless an immense amount of error and misconception has found its way into the public mind.

It is undeniable, that good wholesome water is one of the most important essentials of society. We could subsist longer without food than without water. In bygone days when the surface of our country was thinly populated, the springs and conduits afforded an abundant supply of good water for the necessities of all ; but when civilisation, as we fondly call it, crept in apace, these sources became contaminated with the refuse of crowded habitations.

Most certainly no town philosopher of the present day would endorse the Pindaric opinion, ἀριστον μὲν ὕδωρ and call the modern compound "an element." As I shall presently prove, the fluid which we citizens call water is in many instances a solution of substances the most disgusting and abominable, and containing the saline residue of domestic waste, better imagined than described. In it the natural historian may find his crustaceans, annelids, infusoria, and mycodermis which only delight in the presence of animal matter in a decomposing state.

Few persons, except those accustomed to chemical investigations, can fully appreciate the power exercised by the presence of minute quantities of abnormal matter, or fully understand their accumulation in the body by its dialytic action.

Within the last few years much attention has been paid to the analysis of potable water, and processes are now known, requiring delicacy of manipulation, that was unthought of before. Still much remains to be done.

The water with which all springs are supplied is originally derived from rainfall. When a shower descends it is absorbed and percolates

through the strata if porous, or between them if rocky. In its passage it dissolves all the soluble substances with which it meets and then proceeds till arrested by a band of clay or twist in the beds and accumulates in a kind of natural reservoir. When this fills and overflows, we have a spring, but when we dig down and tap it we have a well.

In the country (metallic districts excepted), this spring or well would be quite wholesome and pure, but in towns the result is very different. There the rain falls on ground already saturated with the refuse of food, the contents of drains, or the waste from houses. In its course it becomes impregnated with objectionable matter, and especially so if the inmates of those houses are suffering from disease. It is therefore easily seen that if a fever should happen in one place, its germs may be carried by the drainage through a considerable distance to a well furnishing a beverage to a large number of unsuspecting families. It is worthy of remark, too, that disease germs originating in the human subject are always more injurious to man than any other animal.

The geological formation of any locality will often determine the probable unwholesomeness of a well, and in no place in the kingdom is this so strikingly manifested as in Bristol. Here we have every physical conformation of the ground. In Clifton and Kingsdown, thick impervious beds of limestone and sandstone dip at an angle of 30 degrees to 50 degrees to the north-east. In St. Paul's, horizontal and porous sands occur, while in St. Phillip's we find alluvial beds of sand, gravel, and peat.

Bristol is peculiarly well situated for drainage purposes, from the rapid dip of the underlying beds, and a sloping surface from an altitude of 300 feet to a short distance above the mean sea level and often twenty feet below the spring tide level.

This valuable drainage character is the very worst for the purity of our well water. Gradually our suburbs have crept on until the surface far beyond the tops of the hills have been covered and have effectually removed every possibility of a good town well. The water rushes down between the rocky beds without even undergoing filtration. As a proof of this I have often found full-grown animals in deep wells, the ova of which must have been strained off and kept back, if the water had percolated slowly through clay or sandstone. In short, I am constrained to say, that no well in our city can by any means whatever be safe for drinking purposes.

The geological features of the Bristol district bearing on our present question, may be arranged under three heads, viz :—

- (1.) When impervious and rocky beds of limestone, or sandstone dipping at a considerable angle, let the water run between them till allowed to escape by some opening.
- (2.) When horizontal but porous strata, lying against the before mentioned rocks, but above high-water mark, receive the subterranean flow and retain it as in a natural reservoir,

- (3.) When the horizontal strata formed of gravelly and sandy beds are below the tidal influence and are liable to absorb the sea water, rendering the supply brackish.

Under the first of these heads may be mentioned parts of Clifton, Clifton Vale, the Lower Crescent, Jacob's Wells, Granby Hill, Caledonian Place, &c. In Bristol we have King Square, Maudlin Street, St. Michael's Hill, College Green, Park Street, and Hotwells. In all these places the water runs into the wells without any perfect filtration. This is proved by the frequent occurrence of specimens of daphnia, cyclops, gammarus, &c., which mysteriously appear when water is pumped up from a depth of fifty or sixty feet. St. Paul's parish may be instanced as a remarkable example of the second division. The whole of this parish is situated on the keuper marls and sands, which are deposited horizontally against the millstone grit of Kingsdown and Stokes Croft. The water bearing strata have a uniform level of about thirty-one feet above the mean sea level, in a bed of loose sand ten feet below the surface. The consequence is, that should any source of impurity arise in any one part of this parish it would affect the whole. There are two well filled burying-grounds within a short distance of each other, the graves of which are inserted above or into this bed of sand, and it will require no very elaborate chemical evidence to draw a decided inference. St. Paul's parish may be shortly described as a porous reservoir having the coal measures for a base. Large quantities of ammoniacal salts having evidently an animal origin are found in all the wells.

Several of these are famed, and sent for by the neighbouring housekeepers and highly prized for teasmaking and other household purposes. So clear, bright and cold is the water, that I have often been laughed at as exaggerating, when asked for an opinion, as to its desirability as a beverage. As instances of the third division I would mention Broadmead, Canon's Marsh, St. Philip's, and Queen Square. The brackish nature of the water needs no further proof than the mere taste.

If any more evidence be needed I append a few of the many analyses I have made of well waters within the Bristol boundary, calculated in grains per gallon.

It appears, therefore, that the Bristol wells contain from sixty-six to 115 grains per gallon, sometimes much more. Of these from twenty-two to fifty-seven grains are lime and magnesia salts, while from fourteen to eighty grains are those having their origin from drainage which has completely decomposed and resolved into alkalines, nitrates, nitrites, and chlorides.

I must not allow the Committee of our local Board of Health to pass unnoticed, because I know that they, in conjunction with their esteemed medical officer, do all they can to secure good water for the poor so far as untoward circumstances will allow.

Locality of Well.	Earthy Salts.	Alkaline Salts.	Animal Matter.	Total Contents per Gallon.
Pithay ...	33.13	47.23	0.71	81.07
Taylor's Court ...	39.30	71.80	2.50	113.60
Trenchard Court	23.63	55.67	28.70	108.00
Lower College Green	35.36	30.41	0.74	66.52
Hammônd's Buildings	22.40	80.27	7.73	110.40
Dolphin Street ...	32.09	74.40	0.31	106.80
King Square ...	45.56	54.66	2.18	102.40
Quay Pipe ...	53.14	14.95	1.51	69.60
Cumberland Street , ^c	54.00	37.86	3.34	95.20
St. John's Conduit	39.77	34.22	1.21	75.20
Duke Street ...	46.66	47.26	2.08	96.00
North Street ...	42.88	70.33	2.39	115.60
Milk Street ...	29.44	46.28	2.08	76.80
Unity Street ...	57.02	28.21	2.17	86.40
Dighton Street ...	36.92	41.39	1.69	80.00
Rosemary Street...	34.40	68.48	0.32	103.20
Berkeley Square ...	28.08	46.21	0.11	74.40
Royal York Crescent	50.44	26.70	2.06	79.20
Redcliffe Hill ...	—	—	—	—

From very early times our ancestors knew that the city was badly supplied with water, for they established seven conduits from the country, viz., Redcliffe, St. John's, Temple, the Quay, All Saints, St. Thomas, and the Back. Of these many are of exceedingly ancient date. Redcliffe conduit obtains its supply from the lias beds, S.S.E. of Lower Knowle. St. John's once afforded water to the Carmelite monastery, and flows from a spring in the millstone grit on the side of Brandon Hill. Temple conduit is supplied from a spring in the lias beds of Pyle Hill near the Bristol and Exeter station. The pipe on the Quay is supplied from a marshy spot near Ashley Hill station, called the Boiling Well. The water from All Saints' comes from the upper carboniferous beds in upper Maudlin Street, a locality that once was the garden of the monks of St. James's Priory.

It is manifestly impossible that these supplies can now possess the purity which they did in former times when their exit was in the country. No wonder, then, that in 1850 the inspector in his report on the sanitary condition of Bristol, said that "Bristol was worse supplied with water than any great city in England." Nor is it surprising that in 1846 a few spirited and enterprising gentlemen should meet together and form what we now know as the Bristol Water Works Company. Notwithstanding the opposition of the Society of Merchant Venturers and other proprietary interests, Parliamentary expenses and great engineering difficulties, this company has steadily progressed till at the present moment it can furnish a supply of water, that, taken altogether, can compete with any other in the kingdom. Their magnificent reservoirs covering

many square acres will hold 350,000,000 of gallons, and should it be possible that this would be insufficient, they have reserve springs that will supply 300,000,000 more every year. The present amount required for the city is two and a quarter millions of gallons every day. The water itself is good, containing only nineteen grains per gallon, nearly all of which is carbonate of lime, the organic matter, which is vegetable, being a mere trace. The Chelvey Springs are an extraordinary example of a natural reservoir.

What reply shall we give to the questions that are often asked, viz.,—Is water containing the salts derived from previously decomposed sewage prejudicial to health? Can so small an amount of saline matter as a few grains per gallon produce such disastrous consequences? Is the presence of decomposing animal matter injurious to health? Does the geological nature of the ground bear any relation to the healthiness of a locality?

To all these I should unhesitatingly say "yes," and that water obtained under such circumstances must be considered always unsafe for drinking purposes. I am in no way connected with any company or proprietor, and therefore give a perfectly unbiassed opinion, such as it is, but I should ill discharge my duty as a citizen if I did not warn my fellow Bristolians that a time may come at any moment when an insidious and unsuspected visitor from the pump may pass into their houses, and, decimating their families, may cause a loss which a little foresight and prudence would have prevented.

With regard to the geological part of the question, I must be forgiven if too positive, but the results of observation compel me to say "yes" to that query also. It is quite clear that water falling on an impervious lias clay must have different health-giving powers from that which has percolated through the porous clays and sands of the oolite. Alumina, especially when ferruginous, has been proved to be an effectual disinfectant, and I should, as a chemist, have no hesitation in saying that water injurious from having animal matter in solution may be deprived of any noxious property by passing through appropriate strata. If a little water from carboniferous, liassic, cretaceous, or tertiary strata be examined under the microscope, it will be found that each has a series of life peculiar to itself.

This self-purifying condition, so wisely ordered by our Great Creator, is constantly occurring in the open country, but is obviously impossible in the ground of a crowded city, already saturated to its utmost extent with impurities and the results of human carelessness.

A Practical Method of Preventing Lead Contamination in the supply of Water to Dwellings. By HIRAM HAINES, C.E.

IT is a well understood fact, that water held in contact with lead is contaminated, to a greater or less degree, by the poisonous compounds of that metal. Distilled water, when in contact with

lead in the presence of air, forms the hydrated oxide of this metal, which is soluble. Rain water may, in this manner, become poisonous when retained in a leaden cistern or conveyed through leaden pipes. Spring water containing chlorides and nitrates will act still more vigorously upon lead.

It has been claimed that carbonates, sulphates, and phosphates form a protective coating, which prevents the dissolution of the lead. It is found, however, by experiment, that water impregnated with carbonic acid will dissolve any of these salts, and since all water contains this gas, the conclusion is inevitable that there is no safety in using lead for holding or conveying water which is to be introduced into the human system.

The injurious effects resulting from the use of water contaminated with lead are not generally manifested at once. Under ordinary circumstances it is a slow, insidious, accumulative poison, developing itself after a lapse of months and even years in the most fatal forms of disease. These effects are modified by the quantity of lead imbibed, the constitutions and habits of the individuals, &c.

The diseases arising from lead poisoning are known to assume an almost illimitable variety of forms, of which may be noted particularly — disturbances of the alimentary canal, convulsions of the muscles, resembling epilepsy, muscular debility, partial paralysis, affecting the extremities of the body, the muscles of the larynx causing loss of voice, neuralgia, amaurosis, delirium, and even apoplexy. I venture to assert that in the experience of every physician, whose practice is at all extensive, one or more cases of disease have arisen which were plainly attributable to the action of lead poison upon the system.

Therefore, with the present general employment of lead service pipes, contributing its poisonous qualities to augment the ills of humanity, it scarcely becomes a question whether we may not with propriety exclaim with the ancient mariner—

“Water, water, every where,
And not a drop to drink.”

Indeed, these facts have been so long apparent, and the importance of providing some method to correct the evil so fully and universally recognised, that device after device has been instituted to afford a safe conduit and reservoir for supplying residences with pure water.

Iron pipes are troublesome from rust, and even when galvanised corrode rapidly, and are difficult to repair. When enamelled, the protection from corrosion is temporary, and under any circumstances it is wanting in the pliability requisite for working it. Lead pipes are commonly used for conducting water from the street mains into and through houses. The physical qualities of this pipe adapt it to this use. It is easily bent, soldered, and repaired when damaged. These properties have influenced its adoption notwithstanding the risk popularly understood of the injurious results to the health of those employing it. And in acknowledgment of this fact, a process

is in vogue with manufacturers at present, of tinning the pipe as it passes from the machine. But I find that this thin wash of tin is destroyed in a short time even by the action of the atmosphere, and the friction of water passing through it removes all appearance of the tin in a few days. Solid tin pipe approaches more nearly in a sanitary point of view than any other, to fulfil the purpose of complete protection, as it is not acted upon by water. The chief obstacles to its use are want of pliability and cost.

It has been a desideratum, therefore, to produce a pipe combining the chemical character of tin with the pliability, durability, and cheapness of lead. This I propose to accomplish by the combination of the two metals in the form of two distinct pipes, the one of pure block tin, forming the interior, and the other of lead, forming the exterior casing, so united at their surfaces of contact as to be inseparable except by excessive heat, and to constitute collectively a mechanically homogeneous body.

The method of producing this pipe is simple and inexpensive, and consists in forming an ingot of lead, inclosing an ingot of tin, and forcing them simultaneously through the machine as in the ordinary method of making lead pipe. The superior tenacity and lower specific gravity of the tin admits of such a diminution in the thickness and weight of the pipe, consistent with strength, as to reduce the cost of the pipes, due to the higher price of the tin, to the same price per yard as common lead pipe of an equal resistance to pressure. In other words, it will cost no more to furnish a dwelling with a pure block tin pipe produced by this method, than it would if lead pipe were used; while every condition required by the plumber to work it with facility is fully obtained, and those who use the water which is conveyed through it are enabled to feel a comfortable assurance of security against the effects of lead.

Pauper Lunatics and their Treatment. By J. H. STALLARD,
M.B.

THE vast increase in the number of pauper lunatics, and the generally overcrowded state of our lunatic asylums, which is forcing upon the ratepayers new and unnecessary expenditure for building, indicate that the time has arrived when our present mode of dealing with this sad but expensive class may be properly reviewed. There is scarcely a borough or county asylum which, if not very recently enlarged, is not over-full, and in the metropolis the question has been repeatedly pressed most urgently on the magistrates of Middlesex, both by the Commissioners of Lunacy and the Secretary of State for the Home Department. Taking Colney Hatch—which is exclusively devoted to the pauper class—as an example, we find that the question of providing further accommodation was mentioned by the Lunacy Commissioners in 1866. The

following year it was again pressed upon the magistrates. In 1868, no less than 380 patients were refused admission for want of room, and in the course of last year, although special arrangements were made for the purpose of exchanging chronic and quiet cases for others requiring urgent treatment, no less than 562 lunatics, all being different individuals, were obliged to be refused admission for want of room. In England and Wales there are about 47,000 pauper lunatics, and of these about 7600 belong to the metropolitan districts. In round numbers, 4400 are accommodated in the county and city asylums, nearly 1000 in licensed houses, 2000 in workhouses, and less than 200 are boarded out with relatives or friends.

This continually crowded state of the county asylums is a matter of the very highest importance both to the patients and the public. Of all acute diseases there is probably none which suffers so much from delay and inefficient treatment as insanity. When a poor person is seized, the relieving officer usually orders removal to the workhouse, where the patient remains until a vacancy is found, either in the county asylum or some registered house.

For the last year the difficulty in finding accommodation has been so great, that all attempts have been abandoned in some unions. In St. Margaret's and St. John's, Westminster, Mr. Dudfield reports:—"The asylums being full, no steps to absolutely necessary removals have been taken for a long while." An urgent case remained eight weeks after the necessary certificate of removal had been obtained. For more than three months a dangerous case was kept at Whitechapel Workhouse, the medical officer of which had been in constant communication with the authorities both of county and private asylums, and in reply had received invariably answers that there was no room. The difficulties of the parochial authorities are increased by an order, that no patient will be admitted, either to Colney Hatch or Hanwell, who is labouring under either epilepsy or paralysis.

"What am I to do?" says one surgeon, "I have a man subject to epileptic fits, violent, tearing up his bed-clothes, and requiring immediate admission to an asylum, and his admission is refused." "Indeed," says the medical officer of Poplar, "it has become a perfectly hopeless matter to attempt to obtain admission for a pauper paralytic patient into any lunatic asylum in Middlesex, and many provincial asylums have also declined to take such patients. In the workhouse there is for the most part no efficient treatment. The appliances are altogether unsuitable. Both medical officers and nurses are unskilled. Sometimes the arrangements are so bad, as at Clerkenwell, that no respectable attendant will remain, and in other cases also the nurses, if not unpaid, belong to the pauper class. At Clerkenwell a pauper attendant had until lately charge of the strait waistcoat and straps, and elsewhere the key of the padded room is kept by the paid attendant. No wonder then that abuses flourish. At St. George's, Hanover Square, a woman was found under the charge of two pauper women, in a state of acute mania, restrained by a strait jacket in

bed, who was refusing food, who had threatened the life of one of the attendants, and for whom application in many directions for asylum accommodation had been made to no purpose. At Fulham a dangerous epileptic was seen, and at St. John's, Westminster, the Commissioner found a woman in an advanced stage of dementia, a second paralysed and incoherent, and a third, brought in a month previously, who had acute mania, and who had been twice reported and certified for removal to Hanwell. At Kennington a woman with acute mania was confined in the padded room, after having been tied to a bedstead for several nights and days. In fact there is scarcely a workhouse in the metropolis in which insane patients have not been most improperly confined. During the whole period of detention in a workhouse, the lunatic is a source of heavy responsibility and anxiety to the medical officer, the master, and attendants, and a nuisance to the other inmates; whilst in curable cases the chance of cure is seriously imperilled if not utterly destroyed. It must be remembered also that the lunatic is often the bread-winner of the family; early cure means therefore speedy independence; chronic disease, continuous and even hereditary pauperism.

But the state of the Metropolitan asylums leads to other very serious evils. Whilst at Hanwell, Colney Hatch, or Peckham, the patient may be seen by his relatives from time to time, and there is abundant testimony to show the value of occasional visits home as a means of moral treatment. But when the patient is taken several hundred miles away, he is practically consigned to a kind of living tomb. At this moment there are fifty-seven pauper lunatics at Salisbury, thirty-nine in Somerset, forty-four near Lichfield, thirty-three in the North Riding of Yorkshire, seventeen near Aylesbury, sixty at Hayward's Heath, and some at Haydock Lodge. The Mile End guardians have sixty lunatics whose friends can never see them; the Bethnal Green, 126 in the same circumstances. The journey of a lunatic to the North Riding of Yorkshire cannot be otherwise than injurious to the patient, and it removes him not only from the visitation of his friends but also from that of the guardians. Nor is the cost of transport a matter of indifference. Besides the railway fares, &c., for the patient and the necessary attendants, the charge is invariably greater in registered houses than it is in the county asylum. The cost of patients at Hanwell is under 10s. per week, whereas at Ficherton the charge is 17s. per week, and many Boards of Guardians are now paying 1*l.* per week. But if we reckon the difference at 3s. per case per week, it will amount to more than 7000*l.* a year, that being the extra cost now paid by the ratepayers of the metropolis for patients for whom there is no room in the county asylums.

Without casting any reflection on the machinery of visiting justices, careful superintendents, and vigilant commissioners, it cannot be doubted that the visits of guardians and relations afford an additional safeguard to individual liberty; indeed, no precautions can be superfluous which have for their object the protection of

the sane from detention in what to them must be a most repulsive prison.

Nor will the proposed asylums, now in course of erection at Caterham and Leavesden, altogether meet the difficulty. These are only intended for such quiet and harmless cases as can be detained by law in workhouses ; that is, of persons who do not require active medical or moral treatment, and whose cases present no probability of amelioration, much less of cure. No doubt a certain number of patients will be removed from the county to the pauper asylums, under a clause inserted in the Metropolitan Poor Bill, 1868, but the difficulty will still remain, and the cost of the patients so removed will be little if any less than it is now. The mixture of insane patients with the class now confined in workhouses will, however, be more dangerous to personal liberty, since the line of responsibility will be less marked. No satisfactory definition of the right of guardians to detain in workhouses has ever yet been made. Every adult not labouring under contagious disease has the right to discharge himself by giving three hours notice to the workhouse master, and although this right is very properly refused in cases where weakness or imbecility is strongly marked, a very small stretch of power would enable the guardians to inflict considerable wrong. The visits of commissioners and friends afford a safeguard against the abuse of this ill-defined and irregular power, but it must not be concealed that there are in every workhouse a number of inmates who are incapable of independence from want of moral self-control whom the guardians would most gladly detain permanently if they had the chance of doing so ; and just in proportion to the ease with which they could stow them away in asylums, where the discipline is mild and yet the restraint practically complete, so will be the tendency to the abuse of power and to an undue restriction of personal liberty. It is for these reasons, if for no other, that it is desirable to review the treatment of the pauper lunatics.

For these evils, the Lunacy Commissioners have but one remedy to propose, viz., the erection of a new County Lunatic Asylum for 1000 patients. To this, very strong objections have been urged, and the magistrates have positively refused to entertain the idea until it can be ascertained to what extent the Asylum clause of the Metropolitan Poor Act might prove to be available for supplying the desired accommodation. The Commissioners then proposed that the magistrates should hire or take on lease, land and buildings sufficiently suitable for the purpose and suitable accommodation to meet the temporary pressure ; but the magistrates have again refused to take any action until the experiment of the asylums at Caterham and Leavesden shall have been tried. Since then Mr. Secretary Bruce has called upon the magistrates of the county of Middlesex to take proper steps for remedying the evil, and threatened that in default of their doing so it would be his duty to consider whether he should not put in force the peremptory power given to the Secretary of State by the Lunatic Asylums' Act.

It is, perhaps, scarcely possible to realise fully the enormous change which has taken place in the treatment and condition of pauper lunatics. Fifty years ago no one felt scandalised by seeing a wretched idiot or paralytic, clothed in rags, and scrambling through the streets amidst the jeers of schoolboys. There was not a village or a street where some object of profound pity to all right-minded people could not have been seen scavenging the road or hunting the gutters for a meal. And when goaded into fits of dangerous frenzy, no one thought it a hardship that the unfortunate being should be confined by handcuffs, strapped in chains, and sent for the rest of his miserable existence to a sort of prison, the horrors of which make the very name of *Bedlam* stink. It is less than thirty years since the public conscience was aroused, and the Twenty-third Report of the Lunacy Commissioners, whose appointment marked the first great stage in an improved treatment of the insane was only just been issued. Little argument was at that time required to show the great advantages of the asylum system as compared with the former condition of neglect, and Parliament enacted that henceforth it should be illegal to detain lunatics in private houses, but that, under what are generally believed to be efficient safeguards, such persons should be confined in huge asylums, and kept there so long as they remained insane. Now, it is a remarkable fact that it is only just now that the intentions of the Legislature may be said to be approximatively carried out. Asylums have grown from small to large. The total number of pauper lunatics during the last ten years has gone up from 31,872 to 46,896.

More than 20,000 paupers have been added to the list of lunatics during the last twenty years, a very large proportion being now confined in asylums or in workhouse wards, which are nearly equal in extent, if not in comfort, to those of the regular asylums.

For many years there was an undue horror of the lunatic asylum. People were content to see a lunatic suffer somewhat in the hands of his relatives and friends, since they believed that he was at least as safe with them as with a set of paid attendants. They shrunk from enforcing the removal to a lunatic asylum, because harshness, confinement, and other forcible means of treatment were too often then the rule. But with the introduction of a milder system, and the total abolition of restraint, the horror against lunatic asylums relaxed, and there are those who now believe that such confinement is not unfrequently sought for on account of the easy life and comfortable quarters. This revulsion of opinion as to asylums also operated upon the case of lunatics residing with their friends. People said that there was nothing to justify anything like privation, much less ill-treatment in the home, and they combined with the officers in representing trifling hardships as enormous evils, in order that the patients might receive the kindly shelter of the magnificent county hospital, with its charming shrubberies and exquisitely kept grounds.

The same considerations operated also with the parents, though more slowly and in a less degree. The mother has invariably a stronger affection for the weak one of her family. The imbecile or epileptic child has cost her twice the care through the period of childhood as any of the rest. She has watched hopefully for a gleam of intelligence, and anxiously for the approaching fit. She has many a time neglected necessary work to seek the lost one and do for him things which he cannot do for himself. In her direst poverty she has 'denied herself to save him from the horror of Bedlam. Can any one wonder that she concealed his whereabouts, that she gave a sharp look out upon the doctor and relieving officer, those harpies of the Lunacy Commissioners, who, if they saw him sometimes, would certainly snatch him from her bosom. But when the knowledge came, and was realised, that the asylum was a lovely place, the attendants kind, the food sufficient, and the clothing good, then maternal love became enlisted in favour of the sacrifice of separation, and the visits of the officials were courted, not repelled. Without going deeply into other causes which have led to this result, we may state that the objections on the part of the public to asylum treatment have been at least greatly diminished, if not entirely overcome, that maternal and family instincts have been enlisted in favour of the system, the more readily as the unfortunate member was a real burden upon the family resources.

But now comes our difficulty; we are beginning to find that the increased accommodation only leads to the necessity for more; and the question may properly be asked, whether we have not carried our system much too far; whether we are altogether right in seeking to separate the mother from the child, the brother from the sister, and whether we cannot recur, in some degree, to the system of home care and home treatment; whether, in fact, the same care, interest, and money which are now employed upon the inmates of our lunatic asylums, might not produce even more successful and beneficial results if made to support the efforts of parents and relations in their humble dwellings. We think the matter worthy of a new inquiry, and, although we could scarcely anticipate that such an inquiry is likely to be instituted by those who, under such great difficulties, and with such heavy responsibilities, have, with such great labour and perseverance, introduced and perfected the asylum system. Yet, we think that they would offer no serious opposition to a calm reconsideration of a question upon the solution of which so very much depends. If only one-twentieth of the inmates of our asylums could, by any machinery whatever, be restored to their relations, we should have strengthened the bonds of family affection and enlarged the sphere of individual liberty. Moreover, such a mode of treatment would form a fitting extension of the non-restraint system, would present a new inducement to self-control, and complete the chain of beneficent treatment between the solitary seclusion room and the liberty of home. Nor is there any possibility of a recurrence to the former repulsive treatment. It may be pro-

nounced impossible that the demented should be treated as they were before. The whole village would cry shame. Every official employed in the supervision of the case, and every relative concerned would be held responsible for kindly and decent treatment, by the irresistible voice of public opinion; and, if in a village there were lodged some harmless imbeciles, protectors would now assuredly be found almost in every house.

The fact that we have carried out the asylum system unnecessarily far, may be proved by a comparison between the Reports of the Scotch Lunacy Commissioners with those of England, and with the treatment of lunatics in urban and suburban districts. We have already seen that in England, of 46,896 pauper lunatics, 6987 are residing with relatives or others, that is nearly 15 per cent., whilst, in Scotland, of 4224 pauper lunatics, 1527 are in private dwellings, or 26·6 per cent; and for an average of ten years, 27·1 per cent. of Scotch pauper lunatics have been treated in their own homes. It would appear positively certain, therefore, that one or other of these systems must be wrong. If 27 per cent. of pauper lunatics may be properly treated in their own homes in Scotland, it is obvious that there are a great number of the English lunatics who might also be so treated. On the contrary, if the English pauper lunatics are properly confined, it is clear the Scotch Commissioners are not justified in allowing so large a proportion to be at large. It is, therefore, important to see what the Scotch Commissioners have to say in their defence. First, then, they affirm "that amongst the single patients over whom the Board exercises supervision and control, neglect or ill-treatment is comparatively rare."

Here, then, we have undoubted testimony that once brought under supervision it is possible to secure kindly and safe protection for the insane, without shutting them up in asylums or doing society any wrong. Nor is it unreasonable to suppose that a lunatic is at least as safe from harsh and improper treatment under the care of his humble relatives, or of decent members of the labouring class, as when confided to the charge of a discharged policeman, soldier, prison warder, broken-down tradesman, or, indeed, of any of the class from which asylum attendants are usually selected, whilst in the home at least one great source of ill usage which no vigilance can altogether prevent, is removed, the patient being spared the noisy restlessness and violent outbreaks of his fellows in the ward. In the Scotch report we are informed by Dr. Mitchel who, in the course of the year visited and specially reported on 443 pauper patients, residing with their friends, that their condition was quite satisfactory; fair provision had been made for their safety and well-being, making removal either to a lunatic asylum, or to the lunatic wards of a poor-house unnecessary and undesirable. He says there is no doubt as to the possibility of providing satisfactorily for a certain number of the insane poor in private dwellings. The happiness of many patients is best promoted by allowing them to live in a family. There is nothing in their condition which calls for the

machinery and discipline of an asylum. They are incurable and harmless; they require no special medical care, and the freedom of home life is enjoyed by them, and proves beneficial to their health. Great as is already the proportion of cases so treated in Scotland it is increasing from year to year. By careful selection, and by judicious and liberal arrangements, it is reasonably hoped that the proportion will be still further increased. Whenever a patient is visited in Scotland by the Commissioners, efforts are made to discover defects in his management, and to suggest something which will increase his comfort and better his condition. The adequacy of the parochial allowance is always carefully considered; but it is remarked that the comfort of the patients does not by any means stand in direct relation to the amount of relief given. Where the patient lives with strangers the allowance must be greater than where patients live with friends. The helplessness, need of watchfulness and nursing, afford substantial reasons for greater liberality. Nor must the administrator wait till more relief is asked for, if it be obviously required, for friends do not always like to be importunate. The whole circumstances of the case have to be carefully weighed, and it is satisfactory to find that it seldom happens that there is any difficulty in obtaining all the information which is necessary for arriving at correct conclusions.

So careful are the Commissioners of not breaking the home tie by removal of lunatics to asylums, that we find that out of 144 applications on the part of relations to keep the lunatics at home, only ten were refused, a very strong evidence indeed of the totally different principles which obtain in Scotland from those which have been in vogue in England.

No amount of difficulty in providing fitting homes can justify continued confinement in an asylum. The nature of the associations, the mode of life, the deprivations of the society of relations, the want of freedom, all forbid it, unless there is an absolute necessity for seclusion on the patient's own account. Home life may, under certain restrictions, be properly allowed. Nor ought it to be forgotten, that in many cases association with the insane exerts a most unfortunate influence upon the patient's state of mind. Evidence was given before the Committee on the Scotch Poor Laws, that patients have been frequently made worse instead of better by confinement in an asylum.

But the most remarkable fact in favour of this mode of treating lunatics is the low mortality. On an average the mortality of English lunatics of both sexes is 10·39, whereas in Scotland it is only 8·3, and amongst the Scotch lunatics, who are boarded out, only 5·6. The Commissioners observe that, "the mortality amongst pauper patients in private dwellings is thus seen to be more favourable than amongst patients in establishments. That it should be less than the mortality amongst asylum patients is not surprising, considering the amount of active disease in such establishments, but that it should be so considerably less than what occurs in the lunatic

wards of poor-houses, must appear remarkable, especially when it is taken into account that the patients in such wards are, for the most part, like those in private dwellings, idiots and demented, and that, as a rule, the physical wants of the former are more amply supplied. We can offer no explanation of this fact beyond the conjecture that the manner of living in private dwellings, involving, as a rule, greater freedom and greater variety, and the respiration of an atmosphere less loaded with animal exhalations, more than counterbalances the advantages which better diet, better clothing, better bedding, better housing, and greater cleanliness might be supposed to convey." We believe this explanation to be perfectly sound, and we add only that the kindly attentions of relations enable the patient to enjoy life to an extent which no artificial provision will supply.

One other powerful argument is adduced by the Scotch Commissioners, which will not fail to be appreciated by a heavily taxed and overburdened community. The average expense of keeping lunatics in asylums is, in England, 1s. 3 $\frac{3}{4}$ d. per day, but this does not include the cost of building and repairs. In Scotland the daily cost is 1s. 4d. in royal and district asylums; 1s. 5 $\frac{1}{4}$ d. in private asylums; 1s. 1d. in Poor houses, and only 6 $\frac{1}{2}$ d. in private dwellings. If an equal number of pauper lunatics were boarded out in England as in Scotland, and at the same cost, an annual saving would be effected in the metropolis of 20,000*l.* a year, and, in the country generally, of 60,000*l.* a year. There would be no need of new asylums, and the efficiency of the existing ones would undoubtedly be increased by the removal of patients who do not require the special resources of such establishments. These considerations of expense, if not all important, nevertheless point to the propriety of the fresh inquiry I am advocating.

Thus far I have directed your attention to the reports of the Lunacy Commissioners and to considerations of a general kind. We must now endeavour to illustrate the case by actual facts. And the first broad question is, Are there any considerable number of persons confined in our lunatic asylums who might be allowed to remain in homes under proper care, that is, care such as any Christian persons can exercise without serious interference with ordinary family duties, and under such reasonable supervision, as the occasional visit of some responsible officer, be it Medical man, Clergyman, Relieving Officer or Lunacy Commissioner, and this without the fear of danger to themselves or those around them? My conviction is that there are many hundreds, if not thousands. My attention was directed to this subject in July last, when by the courtesy of the managers of Colney Hatch Asylum, I was invited to be present at the annual out-door fete. The day was one of the hottest this year. In a meadow near the asylum there had been erected several tents, at which beer, tobacco, tea, coffee, and other refreshments were freely sold at a reasonable rate. There was also a band of music, a group of nigger musicians, beside conjurors, acrobats, punch and

judgy, &c. Kiss-in-the-ring and other games were carried on, and so long as the harangues and actions of the insane were confined within moderate limits, there was no interference whatever with the discourses addressed to the various audiences by the more loquacious of the patients. Besides the patients and attendants present, there were county magistrates and ladies, dressed to the astonishment of the many admiring patients. There were metropolitan guardians, and such friends and relations of the patients, numbering many hundreds, as chose to visit them on this celebrated occasion. Here then we have all the elements of excitement to be found in the external world, concentrated upon people totally unaccustomed to it, and that on a summer's day, bright and hot enough to cause a *coup de soleil*. In fact 300 other patients had been deprived of this annual treat on account of the unusual heat.

Nevertheless, out of 1200 females, over 500 were permitted to take part in the proceedings; and out of 800 men, 300 were also on the ground. All these, carefully selected, no doubt, participated in the excitement going on, with an occasional reminder, perhaps, from an attendant, that they were obtruding too much upon their friends or visitors—a mere touch of the shoulder generally sufficing to recall them to propriety. Of the majority it seemed all but incredible that there was any urgent need of entire exclusion from society, so much did they seem to enjoy this passing glimpse of the outward world. During the afternoon, only two patients, both of them apparently affected by the heat, required removal, which was morally accomplished, without any interruption of the pleasures going on. I was particularly struck with some instances of quiet gratification given and received between the patients and their friends—particularly one old man, who had evidently come to see his wife. Both were over sixty years of age, and grey. They were sitting alone, far removed from the crowd of visitors, and they remained the greater part of the evening in deep conversation. Later, when the order of departure came, I saw the old man, with his blue-striped cotton handkerchief in his hand, taking a mournful leave. It seemed to me he would have been glad to take her home once more, had it been possible to do so. Feeling the importance of this question, I addressed the magistrate, who kindly invited me indoors, and a few weeks afterwards I went over the entire establishment in company with the medical superintendent, and, I believe I am truly representing their opinions, when I say that they coincide almost entirely with my own. Mr. Marshall, the Superintendent of the female side, conducted me around the female wards. He says, "I could discharge more than 100 of the females without the slightest hesitation, and at once, if I could ensure for them outside the most reasonable consideration, for their condition and infirmity. This, however, is utterly beyond my power, and I will show you case after case, in which the effect of discharging them would not only lead to the speedy recurrence of their malady, but would bring me into very serious disgrace for having so discharged them."

Let me take a case in illustration where, as may be seen from the police reports, the same woman is brought up for drunkenness, and simply fined for the hundredth time. Here then it is caprice which determines the treatment of the case. Of one thing alone we may be sure that the expensive machinery of a lunatic asylum is unnecessary for proper treatment, and that nothing but harm can come of associating her with the insane. It would be easy to relate a series of cases illustrative of the non-necessity of asylum treatment. In nearly every case of madness there comes a period when all danger of injury to any one totally disappears, and dementive fatuity or general paralysis ensues. To keep the large number of helpless, bedridden, and harmless people in lunatic asylums simply because they are or have been a little touched, it may be on some comparatively trivial point, is not only an injustice and cruelty to the patients themselves but also to those around them. Such patients absorb the attention of medical men and nurses, which ought in such establishments to be devoted to the curable and dangerous classes. They interfere with the discipline and amusements of the rest, and there is nothing in their state which requires the special arrangements of a lunatic asylum. Another class of patients found equally large in prisons and in asylums, are certain young women with a supposed tendency to suicide. On an attempt being made, perhaps under some temporary excitement, the young woman is taken before a magistrate. If she express her penitence, and her friends come forward and promise to look after her, she is set at liberty, or she may be sent to prison for a time and then discharged. But if it so happens that she is taken to the workhouse, it is more than probable that the medical officer will object to assume the responsibility of dealing with her, and will send her to the asylum. Every month such cases are admitted, and some of them doubtless with propriety. But once the idleness and comfort of the asylum are tasted as an alternative to cold, want, work, or the workhouse, and there is no desire to leave. If discharged, they not unfrequently attempt their lives with the sole object of returning to the asylum, and they have repeatedly threatened to do it if discharged.

Nor is it within the power of the medical superintendent to alter this unsatisfactory state of things. The woman comes in certified as insane; she is inspected, and her case examined by the Lunacy Commissioners. The very fact that she might fulfil her threat is sufficient justification of great caution, since the public would be certain to blame the medical officer for her improper or premature discharge. Take the sad case in Sussex as an example. There, a girl who had manifested on several occasions impulsive violence, was discharged as cured, and one year afterwards she threw a child over the cliffs. And yet it is impossible to say that any one is to be detained in an asylum for life on the plea that she may hereafter do an act like this. There is, therefore, a class of patients in lunatic asylums, kept there, not because they are insane at the pre-

sent, but that for want of the very simplest care; and the most ordinary conditions of existence, they may rapidly become so.

But there is another class of insane which it appears to me have no business to be retained in lunatic asylums. It is the very young, and boys and girls of feeble mind. Of these there are many in Colney Hatch. There is nothing in the law to prevent a child of five or six years old being sent to a lunatic asylum, and occasionally this has been done. This practice should be entirely discontinued. Idiotic youths and young girls ought not to be associated with insane people. In the worst cases, where special apparatus and training is required, they should be placed in separate establishments, but in a large number of cases the mother, or the sisters and brothers, will be the best educators.

Amongst the males there is less difficulty in discharging those who are really better, because there is less difficulty in making them personally responsible for their future conduct. But even here there are many cases treated in asylums which are more fitting for reformatories or gaols. In my visit to Colney Hatch with Dr. Sheppard, I was present when a young rascal was admitted, who will, no doubt, pass the greater part of his life in that comfortable institution. It appears that he was simply an idle rascal, who when threatened with punishment made some attempts at violence, which seemed to justify his confinement. The medical officer ordered him a cold shower bath, but when the attendant proposed to give it him he said—"no, not if I knows it, you don't think I come here for that." These characters know the difference between a lunatic asylum and a prison. They are not obliged to work, they have good and abundant food. They can defy the attendants, and kick, and ill-use them almost with impunity, and when once they have got in, they are most troublesome customers to get rid of. Even when discharged they easily find their way back. The alleged lunacy sticks to them for ever, and police, relieving officers, and medical men all shirk the responsibility of treating them henceforth as entirely sane. On the male side there are fewer fatuous and paralytic patients than on the female—the male cases being more acute and passing off more rapidly either into health or death. Nevertheless, there are yet a few who would do just as well if they could be placed in some quiet home with only reasonable care and supervision.

I cannot close my paper without a few strictures upon the ignorance and carelessness which are too often the characteristics of the medical certificates upon which paupers are placed in lunatic asylums. If the Lunacy Commissioners would dare to reveal the truth, we should be convinced of the incompetence of some medical men to give certificates at all. Thus, some years ago, a medical officer certified that a patient was dangerous because he had threatened to knock his father down with "a polka." Such a certificate is a sufficiently sad evidence of the want of education, but what shall we say of the magistrate who committed the patient on such a certificate, or of the system which still permits the same gentleman to certify

almost every month, whilst the mistakes as to the facts and the nature of this complaint are sometimes so gross as to require the discharge of the patient at the earliest possible moment. As, however, discharge cannot be hastily or rapidly accomplished, considerable injury may and must be done. But as we have seen, this is not the worst evil. Supposing there be sufficient evidence of mental aberration, yet it is a serious question what form of it are to be sent to a lunatic asylum and what should be treated at home. A patient with typhus fever may have raving delirium, but it would be a monstrous thing to send him to an asylum, because the brand of insanity would stick to him for ever, and as we have seen, the fact of admission determines the case with which admission is secured hereafter, no man's liberty would thence be safe.

So, again, a man with acute meningitis, although raving, does not necessarily require admission to a lunatic asylum, and much less one labouring under the depression or excitement of intemperance. If every female, suffering from the temporary mental aberration which occurs in the puerperal state is to be sent off to the lunatic asylum, I am of opinion that great cruelty and injustice would be practised. We cannot be too jealous therefore of the manner in which certificates are given. Not that I for a moment advocate the leaving the question in special hands. No. Of this the evils would, I believe, be far greater. What is wanted is better teaching of the whole profession, and the remedy is the opening of our lunatic asylums to clinical teaching. It is lamentable to think that the two grand establishments of Middlesex are totally closed to the students of insanity.

To open these institutions to medical students would confer an enormous benefit on all parties. The medical superintendents would be stimulated to exertion by the necessity of teaching the pupils, and explaining the nature of the cases and their treatment. Apathy and neglect would be more impossible than they are now, and there would be an end of the injudicious certificates now given. I would desire to conclude with a recommendation to the council of the Association that an address should be presented to Mr. Goschen and the Home Secretary, Mr. Bruce, praying that an inquiry be instituted into the present treatment of pauper lunatics, with special reference to the possibility of diminishing the number of patients confined in lunatic asylums and workhouses, and the substitution of home treatment under proper supervision and control.

The Value of Vaccination. By EUSTACE SMITH, M.D.

AT a time when objections—some new, others old and often refuted—are being made against the practice of vaccination, a plain statement of the nature of Jenner's great discovery, a short sketch of some of the results which it has accomplished, and a rapid

examination of some arguments which have been advanced against it, may not be without their value.

Of the objectors to vaccination, some confine themselves to mere assertion, boldly denying the value of the practice, and wilfully ignoring the benefits which have resulted from it. Others deal in arguments founded upon a total misconception of the nature and objects of vaccination.

Others, again, resort to petty trifling objections, supporting them by the statement of facts, which, true enough as facts, are false only in the bearing which is attributed to them.

With regard to the first class of objectors—to say that vaccination does not prevent small-pox, that it does not modify small-pox, and that the diminished virulence of the disease, and the reduction in the mortality owing to it, are due to improved sanitary arrangements and more rational treatment—to say this, is to disregard the strongest evidence to the contrary. It will not be necessary to occupy time by disproving these assertions at any length; the statement of a few simple facts is all that is required. Thus—

(a.) Dr. Lettsom (writing at the end of the last century) estimated that in England the average annual deaths from small-pox was 3000 out of every million of the population (not of those attacked), “a death-rate,” remarks Dr. Seton, “which would give with the present population of the kingdom an average of 60,000 deaths a year.

(b.) During the last half of last century nearly one-tenth of all the persons who died in London, died from this one cause (ninety-six per 1000).

(c.) And in some of our great cities nearly one-third of all deaths which took place in children under ten years of age arose from small-pox.

Against this terrible mortality we have only to place the average of the mortality of the twelve years, 1854 to 1865 (inclusive), during which vaccination has been to a certain extent obligatory. Instead of 3000 per million of the population, the annual number of deaths from small-pox has sunk to 202 per million. Statistics have, however, been objected to, as figures, it is said, “may be made to prove anything.” With such figures as these the difficulty would be to make them prove anything else. With persons who do not believe in statistics, the following fact may have some weight :—

Dr. Makenna, describing the fatal epidemic of small-pox which visited the Argentine Confederation in 1846-8, after stating that it spread over the whole country from the sea-board of the Atlantic on the east, to the Cordillera of the Andes on the west, leaving hardly a single house untouched, and destroying whole families, asserts that not one of those English people who had been vaccinated at home, and who had a deep cicatrix on one or both arms, ever took the disease.

And to this evidence of the value of vaccination in preventing small-pox, may be added the conclusive fact that, of the servants and

nurses attached to the Small-pox Hospital, who are all vaccinated, or re-vaccinated before coming to live at the hospital, not one has been known to have small-pox for thirty years.

In the face of evidence such as this all mere assertion falls at once to the ground; and yet persons are still found bold enough to declare that vaccination does not prevent small-pox!

Then, as to its power in modifying small-pox, "No one," says Mr. Marson, house surgeon to the Small-pox Hospital, and one of our best authorities upon the question, speaking of a certain epidemic of small-pox, "No one could fail to be struck by the remarkable differences presented to his notice between the vaccinated and unvaccinated patients, and also between the vaccinated cases themselves, some patients having small-pox in a mild form, wholly devoid of danger, whilst others have it in great severity, scarcely, if at all, lessened by the previous vaccination."

The cause of this difference amongst the vaccinated patients he states to be the varying degrees of efficiency with which the operation had been performed. From Mr. Marson's tables it appears that of vaccinated persons admitted into the small-pox hospital, between the years 1836 and 1855, inclusive, the severity of the disease, and therefore the mortality occasioned by it, varied according to the number and depth of the vaccine cicatrices upon the arms of the patients, the severity of the disease being least in those, in whom vaccination, as shown by the evidence of the scars, had been most completely performed. Thus:—

Of unvaccinated persons there died . . .	37 per cent.
Of persons stated to have been vaccinated, but without scar . . .	23·57 " "
Of those vaccinated . . .	
Having one vaccine scar, there died . . .	7·73 per cent.
" two vaccine scars, " " . . .	4·70 " "
" three vaccine " " " " . . .	1·95 " "
" four, or more " " " " . . .	0·55 " "

But besides the reduction in the mortality effected by careful vaccination, the number of those who recover with no, or very trifling, disfigurement, is greatly increased. And this it is very important to keep in mind. "By vaccinating," says Mr. Marson, "so as to take effect in four or more places, we not only save life, but prevent a great deal of suffering, and subsequent damage to the appearance of the person."

It has already been stated that during the last century nearly one-third of all deaths which took place in children under ten years of age, were due to small-pox, "Now," says Mr. Marson, "among children under fourteen, who have been vaccinated, small-pox hardly ever proves fatal."

"But," it is objected, "this diminished virulence of small-pox is

owing to improved sanitary arrangements, and more rational treatment."

The answer to this is, that to this day small-pox, when it occurs in unvaccinated persons, is as fatal as it ever was; and, in cases where such persons recover, is followed by consequences as distressing as before.

Dr. Jurin, writing early in the last century, from an examination of the bills of mortality of London for a period of forty-two years, estimates the mortality from natural small-pox, occurring in persons of all ages, as one in five or six. From returns, made in 1852, to the Epidemiological Society, by 156 medical men in various parts of England, who had kept numerical records of their small-pox experience, the mortality in cases of the natural disease was 19·7 per cent., or nearly one in five.

And Mr. Marson records that of the cases admitted into the small-pox hospital from 1836 to 1851 (inclusive) all of which were drawn from the same class of persons, and were, while in the hospital, exposed to the same conditions, the mortality was found to be:—

Of unvaccinated persons.	. . .	35·55 per cent.
Of vaccinated persons . . .	. . .	5·25 per cent.

A good example of the power of vaccination in preventing or modifying small-pox came under the notice of Mr. Gustavus Foote, the able surgeon to the Kington Union district, Herefordshire, and was by him kindly told to me.

In the year 1856, at a time when there was no small-pox existing at Kington or anywhere about the neighbourhood, a man was sent for from the town, to attend the deathbed of a brother in Birmingham, who was seriously ill of small-pox. Neither of them had ever been vaccinated. The sick man died; and the brother, after attending the funeral, left Birmingham to return home. During the journey he felt ill, and the day after reaching home was attacked by confluent small-pox in its most virulent form. The only other persons in the house were his mother and sister; neither of whom had been vaccinated, and two younger children who had been vaccinated.

Mr. Foote, who was called in to attend the case, persuaded the mother and sister to be vaccinated. After a few days the patient died, but no one in the house took the disease.

During his illness the sick man was visited by a brother (a widower), never vaccinated, who lived in a small village six miles off the town; and who, after the patient's death, stopped to attend the funeral, staying in the cottage.

This person, returning to his home after the funeral, sickened of small-pox and died. His father-in-law and mother-in-law who lived with him, also sickened and died.

His child, an infant of fourteen months old, who like its relatives had never been vaccinated, was living in the house. The child, however, was fortunately seen by a medical man before it began to

sicken. It was at once vaccinated. The two diseases, small-pox and cow-pox, ran their course together, the former very mildly, and the child recovered.

In this instance, therefore, all the unprotected persons who were exposed to the infection caught the disease and died. All those who had been vaccinated, even although the operation was performed after exposure to the infection, either were unattacked, or, being attacked, recovered.

A common objection, the one heard principally among the uneducated poor, that "the disease of a beast put into a child must be injurious;" or, as the same objection has been repeated in print, in a more grandiloquent form, by a person, better educated perhaps, but still quite as ignorant, that "the practice of conveying diseased matter into the body is unnatural, unphilosophical, and a blot upon our pretended knowledge, science, and civilization." Such an objection seems to be founded upon a total misconception of the nature of vaccination.

What is the cow-pox? The cow-pox was held by Jenner to be a product of the same virus which produces the small-pox in man; to be really the disease small-pox divested of its malignant characters; and, consequently he believed, that a person who had been the subject of cow-pox—who had in fact been vaccinated—was safe from small-pox, because he had already gone through the disease in a mild form.

That the cow-pox and the small-pox have a common origin has been conclusively proved. In 1801, Gassner, of Gunsburg, inoculated several cows with small-pox matter. In one of them vesicles were produced. With lymph taken from these vesicles he inoculated four children, and in all these four children the disease produced presented the well known characters of ordinary vaccinia. From these four children seventeen others were vaccinated, and in all the phenomena induced were the ordinary ones of vaccination. Gassner's experiments have been since repeated in different forms by Mr. Ceely, Mr. Badcock, and others. Small-pox has been induced in the cow by inoculation of small-pox matter, and by infection, enveloping the animal in blankets taken from the bed of a patient who had died of the disease. In all these cases the disease presented by the animal was the disease cow-pox, and in all cases persons inoculated with lymph taken from animals so treated have had developed in them vesicles bearing all the characters of ordinary vaccinia. Lymph thus obtained has been used by many hundreds of practitioners for nearly thirty years, and hundreds of thousands of persons have been vaccinated with it.

The practice of vaccination may be considered merely as a modification of the older practice of inoculation, introduced into England by Lady Mary Wortley Montague. When small-pox was induced in a person by the introduction under the skin of matter taken from a small-pox pustule, the disease thus engrafted (as it was called) was found to run a course of exceeding mildness as compared

with the course of the same disease when acquired in the usual way by infection. It still proved occasionally fatal, but much less frequently, the mortality being one in 300 of the persons affected, instead of one in six, as occurs in the natural disease.

The reduction in the amount of mortality thus effected is sufficiently striking; but when the small-pox matter, instead of being introduced directly into the person to be protected, is allowed to reach him indirectly, first passing through the cow, the result is still more remarkable. Inoculate the udder of a cow with matter taken from a small-pox pustule, and with lymph taken from the resulting vesicle inoculate the arm of a healthy person. The disease thus produced, secondarily, is so mild that little appreciable discomfort is noticed by the patient, but its effects in shielding him from further attacks of small-pox are as powerful as if he had passed through that disease in its severest form. Human small-pox, then, in passing through the cow, loses its virulence, and becomes cow-pox; and the cow-pox when re-transferred to man still preserves its harmless characters while retaining also its protective power. This fact has been again and again verified by thousands of experiments.

A theory has been lately advanced, in which by adopting the analogy of the parasitic fungi, it is urged that the small-pox poison would naturally attack only those whose systems, by neglect of the laws of health, are already pre-disposed to the disease. "How absurd then," it is said, "is a practice which introduces foul diseases into pure blood, inoculating healthy bodies with poisonous matter to prevent them getting a disease which by proper attention they never would get."

Granting, for the sake of argument, that the parasitic fungi can never develop except in a soil prepared expressly for their reception, yet the analogy is not a fortunate one. Sanitary arrangements have unhappily but little influence against small-pox infection. It is a deadly poison, which steals into the healthiest households, and the strongest and soundest are often the first to fall victims to its attacks.

It is difficult for us to realise fully the ravages formerly committed by this horrible disease. To us, thanks to vaccination, its terrors are matters of history. But, from cases we find here and there, occurring amongst unprotected persons, we see from what we have been saved; and we thankfully accept a means of escape from a deadly scourge which no amount of care, nor the minutest attention to hygienic rules, would otherwise enable us to avoid.

There is a third class of objectors who deal in trivial arguments and utterly irrelevant facts. Governed entirely by prejudice, such persons attribute to vaccination every ailment, slight or severe, which may attack their families at whatever period of their childhood. With them every sequence is a consequence. A rash on the skin, an attack of purging, any little disorder to which childhood is so liable, is instantly referred to this one cause. Or, is the child sickly and pining as a result of improper food and general bad manage-

ment? "The child," they say, "was vaccinated, and has never been well since."

The age of three months—the time at which amongst the poor the operation is usually performed—is an age at which many disorders are apt first to show themselves. At that age there is increased glandular excitement and activity; the salivary secretion becomes established; and there is a great tendency to purgings. Skin eruptions are exceedingly common; and the first symptoms of rickets often manifest themselves. It is, however, at this age that bad feeding of the infant more especially commences. The child is still kept to the breast, but he is stuffed, besides, with farinaceous food, often in enormous quantities, and is treated every now and then, at his parents' meal times, to portions of their own food. Bacon, pork, red-herring, whatever they may be eating, the baby must have a taste. The result of such management is seen in the gradually increasing weakness and pallo^r of the infant. He ceases to grow; he begins to waste; and the more he is stuffed, the more quickly do his flesh and his strength disappear. As the child has been vaccinated shortly before the expiration of the legal period, the case is looked upon as another instance of the appalling results of the operation, and friends and relatives all join in lamenting the terrible consequences of a tyrannical law.

Cases such as these are within the experience of almost every woman; because, amongst the poor, injudicious feeding and bad management of their children form the rule and not the exception. That a child will be nourished in exact proportion to the amount of food he swallows, and that the more solid the food the greater its nutritive power, are two articles of faith so firmly settled in the minds of the poor, that it is very difficult indeed to persuade them to the contrary. To them, wasting in an infant merely suggests a larger supply of more solid food; every cry means hunger, and must be quieted by an additional meal.

In children thus wasted by improper food, all the disorders which are generated or encouraged by debility and deranged digestion may be expected to occur, without any reference to whether or not the infant had been previously vaccinated; and as a matter of fact they are seen quite as often before that operation as after it. Even eruptions produced by the presence of parasitic insects, such as the itch-insect and lice, are often attributed by parents to vaccination with the utmost confidence. In fact, it is impossible, in cases of this kind, to satisfy the minds of some persons by any argument that can be used. The illness they know to have followed vaccination, and nothing will convince them that it was not caused by it.

Vaccination may, however, like any other local irritation, be the exciting cause of skin eruptions. Strophulus, eczema, and lichen are sometimes seen to be excited by it as readily as by any other cause, which sets up a temporary febrile disturbance in irritable subjects. Small-pox itself, measles, and scarlatina are known to be followed at times by the same result; and dentition is so well recognised a

cause of skin eruptions, that the "tooth-rash" has become a household word. In scrofulous and weakly children festering of the seat of inoculation, with enlargement of the neighbouring glands in the arm-pit, sometimes is found to happen; but this is not a result peculiar to vaccination; any scratch or sore will in time go through the same process. It is a direct consequence, not of the vaccination, but of the unhealthy state of the child in whom the vaccination is performed, and is quickly cured by judicious treatment without leaving behind it any bad after-effects.

Erysipelas has been occasionally known to follow vaccination. This, Mr. Ceely believes, may be propagated "by lymph taken from irritable, or ruptured, or late, or exhausted vesicles, or from apparently healthy vesicles in a child, with a blister behind its ear, or by lymph decomposed by long keeping in a fluid state." But such accidents as have been described are no objections to the practice of vaccination: they merely indicate the necessity of care in choosing fit subjects from whom the inoculating matter should be derived, and suggest also the advisability of preparing the patients upon whom the operation is to be performed by a little preliminary treatment, in cases where, without actual disease, the state of health or strength is not found to be satisfactory.

Lastly, it must be confessed that we do occasionally find considerable depression of health and strength, with eruption of boils lasting for months, to follow the operation of vaccination in cases where the result cannot be attributed to any other cause than the inoculation of vaccine lymph, and where the lymph made use of is open to none of the objections that have been described. To explain such cases we must remember the relation between small-pox and cow-pox before referred to. The disease small-pox, in passing through the cow, loses its malignancy, and ceases to be communicable by infection. But it is conceivable that in subjects peculiarly constituted, the disorder, while preserving the general characters of cow-pox, may yet retain to a certain extent some of the depressing influence of the severer disease, and may affect the system more powerfully than is found in persons who do not possess that peculiarity of constitution. Such cases are fortunately extremely rare, and, when they do occur, are usually found in members of the same family.

But even cases such as these are no arguments against vaccination. A child whose system is capable of being thus severely affected by the vaccine lymph, exhibits surely a peculiar susceptibility to the action of the morbid material; and, if left unprotected, such a patient would have small chance of escaping variolous infection. It is doubtless in such subjects that small-pox tends to show itself in its most malignant form, and to them vaccination, at whatever cost, is of the very greatest consequence.

There are two other objections made against vaccination which may be shortly noticed.

It has been said to have increased the mortality from other causes, and especially from fevers and scrofulous diseases.

As people no longer die to any great extent from small-pox, they must of course die from other causes, but fevers and scrofulous diseases, so far from being more fatal than before the introduction of vaccination, are less so. Dr. Greenhow has shown that the present death-rate from fevers amounts only to 385 in every 100,000 of the population, whereas, a century ago, the death-rate from the same cause was close upon 539 in every 100,000. Again, scrofulous diseases have also diminished since the beginning of the present century. Small-pox, by the depression it produced, and by the feeble state in which convalescents were left after a severe attack, was itself one of the chief promoters of scrofulous diseases, as by this means it favoured the development of such affections in persons already predisposed to them. The introduction of vaccination has therefore (as was foreseen by Dr. Jenner), by preventing small-pox, prevented also its terrible consequences, and has done much to hinder the spread of scrofulous and tubercular diseases.

But vaccination is said not only to have indirectly increased the fatality of other disorders, but also to have been the direct means of communicating disease to healthy persons by the inoculation of contaminated lymph taken from a diseased child. Syphilis is especially mentioned as having been so communicated.

In England, happily, there has never been any suspicion of such an unfortunate occurrence, but cases are recorded as having taken place in other countries in which it is difficult to deny the possibility of the disease having been transmitted by this means.

That a syphilitic eruption does, in England as in every other country, occasionally follow vaccination is no doubt true, for the first manifestation of the latent syphilitic taint may be determined in any child in whom the disease is lurking, by anything which sets up a temporary febrile disturbance, and vaccination may therefore, like other things, be the stimulus exciting the outbreak of previously existing disease. But that syphilis can be communicated to a healthy infant by the inoculation of vaccine lymph taken from a syphilitic child is at any rate not satisfactorily proved. The evidence on this point is very conflicting. In some cases competent observers differed as to whether the disease produced was or was not syphilis. In others, the child from whom the infection is said to have proceeded was never proved to be syphilitic at all. There are, however, certain recorded cases which it is very difficult to gainsay. But in all of them syphilitic inoculation, supposing it to have taken place, was the result of the grossest carelessness. In this country, if the stringent rules which are laid down by the Privy Council as to the obtaining of the lymph, and the mode of performing the operation, be properly observed, the possibility of such a disastrous occurrence taking place seems out of the question. This important subject is fully discussed by Dr. Seaton, in his admirable "*Handbook of Vaccination*," which is, or ought to be, in the hands of every one. To it, persons interested in the question may be referred.

To sum up what has been said :—

Vaccination is not an infallible preventive of small-pox. No one pretends that it is. Jenner certainly did not pretend that it was. Even small-pox itself is not always a complete defence against future attacks of the same disease, for persons have been known to have small-pox a second, and even a third time. All that is claimed for this discovery is, to use Jenner's words, that "duly and efficiently performed, it will protect the constitution from subsequent attacks of small-pox, as much as that disease itself will."

In the majority of cases the protection it affords is complete, perfect immunity being enjoyed from all future attacks of the disease. In some persons, however, the protection is not so complete; and they are still liable to be attacked by small-pox, although the influence of vaccination is seen in the modified form taken by the disease when it occurs. In order, however, that this protection should be afforded, the operation of vaccination must be duly and efficiently performed. The vesicle must be perfect, and the areola must be regularly developed, for, according to Mr. Marson's researches, a certain amount of local affection is essential to the completeness of the operation.

Given these two requirements—supposing the vaccine influence to be sufficient in quantity, as well as perfect in quality, and the protection against small-pox is as complete as can be acquired even by a person who has been scarred and disfigured by the original disease.

Again, the process of vaccination is practically free from risk, for although, in very rare cases, owing to some constitutional peculiarity, we do occasionally find consequences more or less serious to result from the operation, yet these cases are excessively rare, occurring perhaps but once in many thousand cases, for the instances commonly quoted of these so-called sequelæ are found, on examination, to be utterly without foundation.

In order fully to appreciate the value of this great discovery we must endeavour to carry ourselves back to past times, and to imagine the dread inspired by a pestilence which was ever present; which spared neither rich nor poor, old nor young; which swept away whole families at once, and disfigured or maimed many of those whom it did not kill. The introduction of the practice of inoculation diminished to a considerable extent the individual danger, but the public danger was by this means greatly increased; for every person inoculated became a new focus of disease, and helped to increase the general mortality by keeping up a constant source of contagion. It was then that there appeared the announcement of Jenner's investigations and their results; and the delight and gratitude with which, after one examination, the discovery was hailed by the greatest medical philosophers of the day, is a sufficient proof of the value they attached to it. In place of a most fatal and infectious disease there was substituted a disorder, mild in its nature, harmless in its effects, incapable of infecting others, and which could only be communicated by inoculation. By this means thou-

sands upon thousands of lives have already been preserved; and as the practice of vaccination becomes more and more universal, as the efficient performance of the operation becomes more and more a matter of anxiety, it seems probable that small-pox will eventually become a disease of the past.

MISCELLANEOUS.

Mr. GEORGE S. GIBBS read a paper, entitled "What Increases the Death-rate?" in which it was taken as indubitable that the efforts of the promoters of sanitary science during the last quarter of a century must have had some effect in improving the general health and consequent longevity of the people. Yet, the writer maintained, it appeared from the Registrar-General's figures that the national death-rate was increased, and particularly during the last thirteen years, when the excessive increase of infant mortality had been such as to more than absorb, statistically, the improvement of health among adults. It was pointed out that the reasons hitherto given for this increased mortality did not indicate the cause, which must be something recently and generally in operation. This was asserted to be compulsory vaccination, commenced in 1854, and described as the intended insertion into every child born, of a virulent animal poison, producing a disease of which the specific character was shown by the experiments of Wilson, Fox, Collins, and others, to be that of tubercular consumption. The figures showed this practice (or rather the increase of it from 50 to 75 per cent. of the births) to be responsible for the death of more than 106,000 children under five years of age during the thirteen years under review. It was, therefore, urged that the practice should be prohibited by law, in the same manner as small-pox inoculation.

Dr. HENRY BLANC read a short paper on "Vaccination." He maintained that the present generation could have but a very imperfect idea of the dire scourge of years gone by. Along the shores of the Red Sea, over the plains extending from the blue Nile to Abyssinia, and on that highland itself, small-pox is still, as he had himself seen, one of the most virulent and deadly of epidemics. It alone, more than tropical diseases, wars and famines, was gradually exterminating whole races of men. That vaccination had done much good no one in his senses could deny, but of late years it had not fulfilled our great expectations, nor kept up its high repute. He believed that the present humanised lymph was degenerated; that it had lost much of its anti-variolic power. He believed that it would be wisest to adopt a system of vaccination direct from the heifer. It was now quite ascertained that heifer lymph was not accompanied with irritability. Although active, although in many respects similar to casual spontaneous cow-pox, heifer lymph, by being transmitted through young and healthy animals, was always mild and

harmless. The absence of irritability in heifer lymph, and occasionally its presence in the same lymph after a few human generations, might prove that by its passage through the human body cow-pox had acquired "a something wrong." This seemed to give reason to those who advanced that with human lymph we conveyed also from one organism to another, together with the cow-pox, the vitiated secretions of diseased organisms.

DR. ALFRED CARPENTER read a paper "On the Physiological and Medical aspect of Sewage Irrigation." He observed that the objections which had been made to sewage farms were mainly three:—First, that sewage irrigation destroys vegetation, and turns the ground into a pestilential swamp, from which unhealthy miasms must arise, causing fever, ague, dysentery, and general unhealthiness to those living near to the land so used, even affecting population miles away from it; second, that the wells in the neighbourhood would be contaminated with sewage elements by percolation, and thus also disease be engendered; and, third, that the cattle fed upon such farms will be unhealthy, their flesh unwholesome, and their milk and butter unsafe for people to consume, and that the farms will be *foci*, from which disease will be spread to any cattle in the neighbourhood. Nothing, however, could be further from the intentions of those who worked sewage farms than to have a swamp. Their great object was, by means of vegetation, to carry off the whole of the decomposing matter. This had been done very successfully at the Beddington farm. The young vegetation not only absorbed many of the elements of the sewage, but the growing plants gave off a great quantity of ozone. This could be recognised in many ways. The consequence was that there was really no evidence to show that sewage farms had been productive of evil results to health. In the case of Norwood the death rate had fallen very considerably since the establishment of the sewage farm. Nor was it true that wells must be contaminated. It was no doubt a possible danger. It should be remembered, however, that earthy materials will usually act upon sewage as filters. Twenty feet of earth of any kind would purify sewage. Experiments, however, had shown that very little percolation takes place, even upon gravel. As to the third charge against sewage farms, the best answer was derived from experience. The personal appearance and health of the cows at Beddington was admirable. The mortality among the cows fed upon sewage grass in Croydon was very much less during the cattle plague than in other parts in and near the metropolis. On the farm itself there had not been a single case of foot and mouth disease.

MR. J. V. N. BAZALGETTE read a paper "On the Sewage Evil." He remarked that, in hot climates and upon dry and hungry soils irrigation was an excellent mode of disposing of sewage. In this climate, in the beginning of autumn, and especially if succeeding a dry and hot summer, there was less cause of complaint than in the

winter and spring. Flooded land does not and cannot absorb and deodorise sewage to a sufficient extent. Experiments were everywhere showing that sewage, however, might be utilised without injury to health. The Maplin sands, which Liebig declared could not be made productive even with all the sewage in the world turned over them, were now covered with luxuriant growths of beetroot and cabbages. After detailing the plans adopted in various towns in England, the writer declared that the Stroud system was the only one which he could conscientiously recommend. There the operation is unattended with any nuisance to the neighbourhood, and the works were self-supporting from the sale of manure.

Mr. WILLIAM HOPE read a paper "On Town Sewage." He pointed out that whatever may be the original cause of disease, the *modus operandi* by which it is spread among the animals which it affects, whether human beings or not, was chiefly through the evacuations of the diseased animals. The old cesspool system was of course as bad as could well be when the above facts were borne in mind. The plan consisted simply in having two holes, one to receive, during a long term of years, the entire liquid and solid filth and refuse from the house; the other to furnish him with his only supply of water. This might be termed the circular system, since there was usually a complete circulation between the two. The writer was in favour of, as far as possible, burying all impurities in the earth. The extraction by any chemical operation of the valuable and noxious matter from sewage involved so much cost, promised so meagre a return, and gave so unsatisfactory a sanitary result, that it could only be regarded as a last resource. One of the principal difficulties of the question was that although the total yearly value of the sewage of any city was, when calculated per head of the population, very great, yet when calculated per ton, whether of the original liquid, or of the artificially-manufactured manure, it was very small. One hundred and eighty millions of tons was about the weight of sewage discharged from London, north of the Thames. This at 2*d.* a ton would amount to 1,500,000*l.* sterling, which was no doubt an enormous sum to waste annually in the production of fevers and other diseases. But at the same time 2*d.* a ton was a low value to deal with, and therefore the extraction of the 2*d.* from the ton must be performed by some very simple means, or it could never pay. He believed that by conveying the ammoniacal liquor which we call sewage to the earth, and rendering it available for the use of vegetation, we were acting in accordance with the laws of nature. He had hitherto been unable to discover a single crop to which sewage was inapplicable, and which did not derive a greater benefit from sewage properly applied than from any other kind of manure.

Mr. R. BRUDENELL CARTER, F.R.C.S., gave "An Account of the Sewage Works of Stroud." The original process devised by Dr. Bird had been modified and improved in various ways. In considering how to deal with town sewage there were two great

requirements to be taken into account. In the first place, the sewage must be rendered innocuous to man. That was a primary necessity, to which all other considerations should give place. Next, it should, if possible, be turned to useful purpose, and be made to restore to the soil, and hence again to mankind, the various materials of which it is composed. Dr. Bird's method fulfilled, there was reason to believe, both of these requirements. So far as chemistry could determine the point, it deprived the water of the sewage of the animal matters that are dissolved or suspended in it, and it certainly obtained those matters in a condition well adapted for the fertilisation of land. It was only at certain times, and in a very small degree, a source of offence to persons living in the immediate vicinity of the works, and this small degree of offence would be done away with in a plant specially constructed by the light of the experience that has now been gained.

The agent employed, and known as Bird's Disinfecting Powder, was obtained by treating a ferruginous clay with sulphuric acid, drying and pulverising the result. It might therefore be described as consisting of the sulphates of iron and alumina, mixed with various extraneous substances, and with some unchanged clay. The salts were soluble in water; the earthy admixture was in the main insoluble.

The mode in which this sewage was actually treated at Stroud is as follows:—At the point where the sewage enters the works, there is an opening in the top of the culvert; and through this opening a regular supply of the sulphated clay powder is suffered to fall from a hopper into the stream. A submerged wheel, turned by the current itself, insures a complete mechanical mixture of the powder with the sewage. The stream flows on for a few feet, and discharges itself into a large tank, the first of a series of five. In this first tank the solid matters that are lighter than water rise at once to the surface. Much of the dissolved matter forms insoluble compounds with the sulphates of the clay powder; and these insoluble compounds, together with the heavier matters originally in suspension, fall to the bottom; their subsidence being mechanically hastened by that of the refuse clay of the powder. There is therefore a middle stratum of fluid in the tank, above the subsidence and below the floating matter, consisting of water in a state of comparative purity. The outlet is below the top of the tank, so as to correspond with the position of this middle stratum, and the water composing it flows off, through this outlet, into the second tank of the series. Even in this first tank the decolorisation of the sewage by the action of the sulphates is complete. From the first tank the water passes, as described, into the second, and at its entrance receives another dose of the sulphated clay from another hopper and wheel. A further precipitation and subsidence here takes place, and the water then rises through a filter bed composed of equal parts of seaweed charcoal, refuse clay, and coke, and passes, thus filtered, into the third tank. From this it ascends through

a second filter, like the first, and passes into a fourth tank. From this it passes into the fifth tank, and then escapes through a final filter at the outlet, in a nearly pure condition. The very trifling deposit it contains consists mostly of oxide of iron. This is derived partly, perhaps, from the sulphate supplied, but in greater measure from some iron bars, which are placed on the top of the filter beds, as mere weights to keep them in position.

Near the outfall at the Stroud works was another tank or little pond, containing healthy gold or other fish, and flourishing duck weed. This tank is fed by two supplies—one volume of the outfall sewage, two volumes from a neighbouring spring. It served to show that no injury would be done by allowing the outfall water to enter any river or stream.

Returning to the tanks, as soon as they were sufficiently charged with solid matter, the stream of sewage is turned into a second series, parallel with the first, and there treated in a similar manner. In the meanwhile the first series is cleansed, the solid matter, and the floating matter that has been skimmed from the surface of the first tank, are mixed, spread out in layers to dry, and covered during the drying with a layer of the clay powder. At certain intervals the material of the filter beds is renewed, and the old material added to the deposit. The whole of the substance thus obtained is mixed with other ingredients, and forms a very useful artificial manure. This is prepared for arable land at £7 10s. per ton, and for pasture at £4 10s. per ton. It is largely exported to Barbadoes, for use in sugar plantations, and is much used in this country.

The works at Stroud cover but a small space. The tanks are twenty feet wide, about five feet deep, and the series of five, with filters, is 107 feet in length. The second series leaves the length unchanged, but doubles the width, and this plant deals with about 250,000 gallons of sewage in the twenty-four hours.

Mr. S. SNEADE BROWN read a paper "On the Ventilation of the Sewers of Clifton." He said that Clifton was now undergoing a rapid extension, and was spreading itself over wide spaces. Taking 311 feet, the elevation given in the map for the Observatory (so called), the height of the highest part of Upper Clifton adjoining the Durham Down could not now be less than 300 feet above the bed of the river, and the upper part of Redland stood still higher. The Clifton sewerage system was distinct from that of Bristol. It comprehended ten branches, uniting in a main sewer which discharged down a steep incline about 240 feet above the bed of the river into the Avon at the foot of Clifton Down, where it mixed with the contents of the great Bristol sewer received from the outfall into the river higher up. The *Journal of Science* for October, 1866, animadverted on the commingling of the tides of sewage in the bed of the Avon so near the town, as an engineering mistake, and as a breach of hygienic laws. The author described some peculiarities in the sewers of Clifton, and said that what he had discovered respecting

them induced a reasonable doubt whether the official statement "that the Clifton sewers do not require ventilation or flushing, as there is no deposit in them, and never any accumulation of foul gases," would bear the test of inquiry. He touched on the defective ventilation in the houses about Redland Quarry, and said that the sewer air diffused among some of them constituted a grievous blot on the sanitary map of Bristol and its neighbourhood, in spite of a fair supply throughout of drinking water and the natural advantages of its elevated position.

Dr. WILLIAM BUDD made some observations on the "Defects in the Present System of Death Registration." He said that he had been occupying himself for many years in the interesting task of mapping the distribution of the diseases in this city (Bristol). Several defects in the present mode of registration had forced themselves upon his attention, and they were so important and serious that he ventured to think it was only to point them out to ensure their early remedy. The registration of deaths in relation to medicine had two great cardinal objects—the first was to furnish data to guide health officers in the further prevention of diseases, and the second, to furnish data for future scientific discovery. In both points of view the present mode of registration of deaths was signally defective. In the first place, to help the medical officer in his important and sacred duties it was necessary that the information should be imparted to him at the earliest moment. If they were to go down to the three offices in which the death records of this city were kept, they would find that if they wanted to know what death was doing in Bristol last week, or a month ago, or a year ago, it would be perfectly impossible for them to get the particulars. The returns from the local registrars of the districts had not come in, and as some of them came in for one district three months hence, and for another district six months hence, and so on, some time must necessarily elapse before the required information could be given. It was of sovereign importance that the health officer in a great city like that should be furnished weekly, as the Registrar-General in London was, with duplicates of all death returns in the city, so that there might be a central office in the town occupied by a central registrar, to see what work our great enemy was doing in the different quarters. There was another point which was of great importance. Bristol, Clifton, and Bedminster, he need scarcely say, for all questions of health, were one community. Therefore all the sanitary records ought to be in a central office in the city; but instead of that, what was the case? The records for Clifton were kept at the other end of Picton Street, those for the city of Bristol were kept in All Saints' Court, and if they would find out what death was doing in Bedminster, which was just over the bridge, they had to go to Bourton Union, a distance of nearly seven miles. He felt sure that that was a state of things that required early attention and instant remedy—he was about to say that the present state of things was almost simple barbarism. There was another

striking fact which showed that the present system of death registration had fallen very far behind the actual requirements of medical science. If they wanted to track those subtle diseases, upon which he read a paper a few days ago, they should know in what house a death had taken place; but instead of that what was the fact? They were favoured with entries to this effect: "A. B., Asiatic cholera, Old Market," and Old Market was nearly a mile long; or "C. D., Typhoid Fever, Temple Street," and Temple Street was a quarter of a mile long. What, however, they wanted to know were the identical houses in which such deaths had occurred. He had been told by Captain Clode that it would require a new Act of Parliament to carry out this, but he ventured to think that a mere direction on the part of the Registrar-General to the local registrars throughout the country would be sufficient. Nothing could be simpler than to say, not "Old Market Street," but "No. 1, Old Market Street." Some thought that Bristol did not stand very high in the national esteem, but he felt it his duty to say that in some of the highest things that concerned humanity Bristol was very enlightened, and far in advance of many other places that were more boastful. He produced one sheet of a very large and complete map of Bristol possessed by the Corporation, and he suggested that the map should be re-produced by the local authorities and placed in the central office. It might then be worked by the medical officer in such places where different diseases existed, and small copies of it might be produced for distribution. The expense would not be great, and such a proceeding would confer a lasting benefit upon the citizens of Bristol.

A paper was read on "Chinese Emigrant Hospitals," at Hong-Kong, by Mr. T. CHISHOLM ANSTAY. The writer called attention to two inquests which had been held in April and May last, at Hong-Kong, on the bodies of Chinese "emigrants." Both had died of want, one in the streets, the other in a dead-house called the E-tsze-hospital, although certainly no hospital in any sense of the word. The building was in fact a dead-house. Both these persons had been crimped from the Chinese main by persons employed to collect cargoes of emigrants for the Peru and Surinam markets. Both these persons had been inmates of hovels belonging to a Mr. Caldwell; and both, when sick, had been turned out of their respective hovels, and left to perish. They had accordingly perished from the want of the common necessities of life. Mr. Anstey then went on to show that the building to which these wretches had been sent was in as filthy and disgraceful a condition as could well be imagined; that witnesses at the inquests had deposed that, "the attendants themselves were unable to tell whether a man were dead or alive until they had shaken him;" that one of the "rooms" for patients was "about three feet by four" wide, without windows, and "not high enough for a man to stand upright in." That room was quite filled with the body of deceased in the last agonies of diarrhœa. The filth was indescribable. There was neither medicine nor food, nor any one to

administer them. The second room was larger, but, again, "the door was the only medium of air and light," and when visited by the officer appointed, three people were found unable to speak or move, lying on Chinese beds, simply boards, but without mats, and covered with ordure and vermin. The dimensions of the third room are not stated, but the floor was indescribably dirty. The result of the inquest was altogether unsatisfactory, the persons who ought to have been held responsible having escaped without a single word of censure. The attention of the Standing Committee of the Association, appointed to consider questions relating to India and the colonies, had brought the subject under the consideration of the Government, but the writer thought it desirable that the facts should in an especial manner be brought before the notice of the Health Department.

A paper by Mr. PHILIP BEVAN (Cheltenham), "On the Adoption of the Crèche System," was also read. The writer pointed out that we possessed machinery for nearly every class of unfortunates in this country—asylums, hospitals, schools, reformatories, penitentiaries—but, except in a few isolated cases, there was no provision for the well-being of the very little children. The Crèche system is largely adopted in Belgium and France, and with great success. The arguments against it were—That it weakens the home tie. This is worthless, as there are already thousands of mothers who do not feel that responsibility, and it is only intended to apply the system to those cases when the mother is obliged to work out, as in our factory towns. The religious objection, because it is a Roman Catholic institution. But the objects of the Crèche being health and cleanliness, there is no need to import anything sectarian into it. That our infant schools answer all the purposes. They do not, as they send home the children at the most critical part of the day, and do not provide food or clothing. The mortality of children under five years old in country towns is from 3 to 4 per cent., in our manufacturing towns from 10 to 14 per cent.; and the system which prevails in the latter of sending babies to professional caretakers, who dose them with narcotics, is terribly fatal to infant life. The Registrar-General tells us that 65,000 children are annually sacrificed to neglect. He had recently inspected with the utmost satisfaction, the Crèche Ecole Gardienne at Antwerp, at which the children are taken from forty days old to two years into the Crèche, and then transferred to the Ecole till they are six years old, during which time they are educated on the Froebel system, the results of which are astonishing to those who only know our infant schools. He wished to see established in all our manufacturing towns Crèches, large or small, according to the means, which might be made at least half self-supporting. They should be under inspection like our schools and workhouses. We should then, and then only, get to the root of the street arab difficulty.

A paper by Mr. THOMAS REYNOLDS, "On the Claims of Smoking

to National Consideration," was read. The writer contended, not only that the habit of smoking had become much more prevalent, but that it is now attended with more pernicious results than formerly. The new short pipes are worse than the long clays of our fathers. Proximity to the mouth was one drawback, but a worse was that the increased cost of the new pipes led them to be used for a much longer time. He believed that smoking was striking a blow at the stability of the nation, and that its effects were specially injurious on the very young. It stunted their growth, their physical powers and intellect. Among other evils it ought to be charged with causing a recourse to stimulating drinks.

Mr. ALFRED HAVILAND, M.R.C.S.E., late Surgeon to the Bridge-water Infirmary, London, read a paper on "The Geographical Distribution of Scrofula in England and Wales, and its relation to General Health and Vaccination." The author gave a short *resumé* of the work he had already done with regard to the geographical distribution of disease in England and Wales, and briefly described his maps of the geography of heart disease, cancer, and phthisis. He then pointed out the chief characteristics of the distribution of scrofula, general health, and vaccination. The conclusions that the author drew from the facts before him, were:—1st. That vaccination is perilous to infant and adult life when performed in scrofulous districts; as, from the large amount of strumous matter (having frequently its origin in syphilis, and often associated with it) disseminated throughout the population, it is impossible to ensure that the lymph shall be free from other organic poisons, which, if not immediately, do most assuredly remotely affect those who receive contaminated matter into their systems. 2nd. That the Compulsory Vaccination Act renders indiscriminate inoculation of cow-pox, associated with scrofula and syphilis, inevitable in large communities; and that it is a hardship that those who cannot afford to pay for care in the selection of matter for their children, should be imprisoned to satisfy a law which, whilst it pretends to aim at staying one plague, runs the risk of disseminating others of a more fearful and permanent character. 3rd. That the Compulsory Vaccination Act ought to be at once repealed, and that the Natural History of Small-pox and other diseases should be carefully studied, and their geographical distribution throughout our country investigated as a first step towards the solution of the difficult problems involved in the inquiry.

ECONOMY AND TRADE.

THE POOR LAW.

In what respects may the Administration of the Poor Law be improved? By ELISHA S. ROBINSON.

WITHOUT preface I reply—by a more thorough classification of those who claim support or assistance from the public rates. The complaints in reference to the administration of the Poor Law may be summarised under two heads: first, that the poor are harshly treated; and, second, that their cost is an excessive tax upon the productive industry of the country. I have a sufficiently good opinion of the benevolence of ratepayers to think that, if the former complaint were unfounded, the latter would scarcely exist; for example, I believe that if the really unfortunate, the sick, the aged, and the infantile portion of the poor, were treated as they should be, the public, with few exceptions, would not grudge the money expended upon their relief.

Let it be here distinctly understood that, speaking in general terms, I wish to lay no specific blame on either the guardians, or the paid officers who administer the Poor Law. With few exceptions, I know nothing to lead me to think that the law is carried out otherwise than with diligence and faithfulness. I would say with efficiency, if I could; for I am especially desirous to give all credit to a body of men with whom I have been for years associated, and who give much valuable time and thought to the all but hopeless task of reconciling the claims of the deserving poor with those of the heavily-taxed ratepayer. But efficiency is impossible.

There are few guardians, who leave the relief-table of a union connected with a populous city, but must feel (if they think on the subject) that they have been both niggardly and wasteful—niggardly, because to some specially deserving case they have not done enough, and wasteful, because to the idle and dissolute they have been compelled to grant something, which goes to maintain vice instead of relieving distress. Guardians have some difficulty in getting at the merits of the case of an applicant for relief; but far more difficulty in dealing with an undeserving case when it is ascertained. Why is this? Do not the Poor Laws, passed in 1834 and since, distinctly decree that all able-bodied applicants for relief shall work as the condition of assistance. They do; this is the spirit and intention of the

law, and it is assumed by some that it is carried out. But it is not. The so-called labour performed in most poor-houses is, in amount, of a very unsatisfactory character. What is required is labour enforced with certainty as to time engaged, and quantity performed; but this cannot be brought into full practice, until a far more complete sub-division is made between the aged, feeble, imbecile, and young, and the able-bodied paupers and vagrants.

The management of feeble and that of able paupers are two very distinct pieces of business, and require agencies with different qualifications. For the one class, a manager with the quality of administrator and nurse is the most fitting; for the other, the controller should possess the characteristic more approaching that of a *gaoler* or *task-master*. To the benevolent mind, unversed in Poor Law administration, this rigid line may appear harsh; but all who have had much experience know that there is the habitual pauper as well as the habitual criminal, that it is the chronic and hereditary pauperism which is impoverishing the ratepayers, embarrassing the guardians, and bringing discredit upon the whole system of Poor Law administration. Converse with whatever practical men you will, all admit the efficacy and necessity of the labour test; and spasmodic efforts are constantly being made by guardians to put the test into practice. But occasional energy in this direction is of little avail. Guardians change, and officers relax in their efforts, and the wily tramp and habitual pauper get help with little or no labour. And this need surprise no one while the feeble and the able paupers are all under one roof and one management. It has been found, in effect, that the labour-test is not continuously applied. The task of making a constitutionally lazy man work, is too arduous and important to be united with duties of a totally different character. Let a man or woman once take parish relief, and thus lose his or her self-respect, and they will always look to the rates for assistance in periods of difficulty and trial. Nothing but the consciousness that he will be made to labour hard for any relief he may get, will prevent a man, once on the rates, from applying again. This may be called a platitude; but platitude or no platitude, while everybody says it is true, little effort is made vigorously to grapple with the evil. The principle to be taught is self-reliance, and this can only be taught by compulsion.

If a man feel he has something else to depend on other than his own exertions, the chances are, he will exert himself very little. The same principle applies to others, besides the very poor. I know many men of whom it may safely be said, that, had they inherited a few hundred pounds, they would never have made the effort to acquire the means they now possess; and where the self-respect of a man is at its lowest ebb, as in the case of a pauper, the best, the only moral and physical training you can give him is to teach him self-reliance by making him work. Rely on it, we want facilities for carrying out the law, as already prescribed, for habitual paupers, as well as for habitual criminals.

I will give two or three cases from unions, more as illustrations

than proofs, in support of my statement that the labour test is not vigorously and regularly applied; I believe it will be admitted that, as a rule, it is not applied as it ought to be. I do not deny its partial application, nor do I question the wish and intention of guardians generally, to adopt it; my assertion is, that it is not applied with regularity.

The first illustration I shall give is from the Cardiff union. On the 14th of August last, a guardian, Mr. Bird, introduced and carried a resolution at the board, "That tramps should not receive any food at the tramp ward until they had performed an allotted portion of work." He stated that, during the past year, they had relieved 5420 paupers in the tramp ward, and that, during the past month, the number had been 823, or nearly equal to 10,000 persons in a year. He also observed that they were all able-bodied paupers, and the majority of them between thirty and forty years of age. He then referred to what had been done in other unions, and showed that, where the system of applying the labour test had been carried out, the number of tramps had been very materially reduced. The effect of this resolution was speedily shown, for before the month was out, the following report was issued, "That, owing to the new system of compelling tramps to perform a certain amount of work before giving relief, only eight had been relieved during the past week, as compared with 198 in the corresponding week of last year." The experience of the following weeks does not continue to show so marked a disproportion between this year and last, but the diminution continues to be very satisfactory.

My next illustration is taken from the parish of Liverpool, where, in 1868, 15,000 paupers were in the receipt of relief. Under the head of a "Reformed workhouse," I extract from the newspapers of September, 1869, that, at a meeting of the Liverpool Workhouse Committee, held on Thursday, the vestry clerk reported, "That there was not, at that moment, in the establishment, a single man whom the doctors would certify as able-bodied and fit to work." The editor, in his comments, says, "This is an unprecedented state of things, the workhouse having been notorious as an asylum for lazy, idle, and dissolute persons." I wrote to the vestry clerk, and asked him if he would kindly explain to me the cause of this reformation. That gentlemen, Mr. Hagger, answered me very courteously in the following terms, "That while not admitting fully the justice of the editor's comments, there is sufficient truth in them to give us cause for gratulation at the present state of the workhouse. For a long time, prior to December, 1867, our workhouse had been so crowded as not to allow of proper classification. The able-bodied men, and the partially disabled, were placed together, and the internal discipline of the house was (perhaps it might be urged, necessarily so) very lax. About the date referred to, the select vestry hired another workhouse, and the governor of the principal one resigned his office. The new man was a firm disciplinarian, and the

labour test was thenceforth rigidly enforced in all cases where the medical men would certify that the men were fit to undergo it.

"These are, I believe, the main causes for the present state of things. Side by side with this, there has been increased vigilance on the part of the relief committee of the vestry, and of the relieving officers, so that, upon the whole, we have, throughout the past year, experienced a diminution in pauperism in each division of the relief organisation (in-door, out-door, and vagrants). In proof of this, I copy from the Liverpool statistical return, published weekly, for the week ending Saturday, the 28th of August, 1869, the following return of paupers in and out of the workhouse, in that week and the corresponding week of 1868.

				1868.	1869.	Reduction.
In-door Relief	...	...	...	3,465	2,746	719
Out-door Relief	...	...	...	11,535	10,769	766
Total	...	...	...	15,000	13,515	1,485

The reduction is 10 per cent. in numbers, and the saving 160*l.* per week. The fact that, among the 13,500 paupers receiving relief in 1869, there was not a single man whom the doctors could certify as able-bodied and fit to work, is to me most conclusive evidence of the efficiency of the labour test. Some, perhaps, will suggest that other causes may have tended to bring about the result shown. I know of none. There certainly has been no decrease in the population of Liverpool, and I doubt if it can be said that trade is so much better in 1869 than in 1868, as to account for more than a fraction of the result."

Mr. Hagger concludes his letter by saying:—"I fully believe that a good labour test, strictly and persistently enforced, is the one thing upon which we must rely in dealing with able-bodied pauperism." I will now allude to three places in which no recent energy has been put forth in enforcement of the labour test, and which, I think, will illustrate, more correctly than the cases of Cardiff and Liverpool, its application or partial application in unions generally. The Poor Law Report for 1867-8, in reference to the metropolitan unions, says:—"The crowded state of the workhouses, which precluded the application of the workhouse test to the able-bodied, and the difficulty of providing out-door labour on a large scale, have alike tended to increase the numbers of the able-bodied class applying for relief, and caused increased expenditure."

The following is in reply to an enquiry made of the Clerk to the Lambeth Union:—"We do not apply the labour test either adequately or regularly; our means for doing so are insufficient, and we shall do better when we have our new house."

I will now allude to the Bristol Union. The following is the

labour test adopted there for able-bodied paupers :—Rise at six, breakfast at seven, begin work at eight, and go on till twelve, when they dine; resume work at two, and continue it until half-past five or six. About eight hours in all. The labour consists in cultivating the land, and other out-door employment, in fine weather, and in wet weather stone-breaking and oakum-picking. The women are engaged in washing, cleaning, and oakum-picking. It cannot be said, that this amount of work is sufficient to deter the indolent from coming upon the rates of the union, especially those who have once tasted workhouse bread. These people possess little sensitiveness or pride, and have no scruple about again living at the public expense, and I fear that the regular living and easy work rather invite than deter the entrance of many into the workhouse.

These illustrations, taken from Cardiff, Liverpool, London, Bristol, and Lambeth, represent generally the application of the labour test in large unions throughout the kingdom. In the two former, recently displayed activity in its application; in the three latter, its imperfect application in a very mild form. It will not have escaped observation that the Cardiff report speaks of “the new system of compelling to work,” &c., and that the Liverpool workhouse is spoken of as a “reformed workhouse.” This is in 1869, thirty-five years after the Act had passed which insisted on labour as the condition of relief to the able-bodied.

The fact that the practice now being carried out at Cardiff and Liverpool is styled, “new system,” and “reformation,” proves conclusively that while that portion of the Poor Law dictum which prescribes labour as the condition of relief is not absolutely a dead letter, it is ordinarily very imperfectly complied with. Newspapers lay hold of these announcements, and copy them as something remarkable, and this is another proof that the full application of the labour test is more novel than constant—the exception rather than the rule.

The mover of the labour test resolution at Cardiff urged, as an incentive to the adoption of test labour, what was doing in other unions, and I know that, in most administrations, there is an occasional rousing up upon the subject, and “work” is the order of the day; but a relapse too often takes place, and the lazy pauper resumes the ascendancy, and revels in his indolence.

The money saved in the parish of Liverpool, in consequence of its improved administration, is 160*l.* per week, or more than 8000*l.* per annum. This saving is, of course, an important object, but is by no means the greatest advantage gained either to the town of Liverpool or to society. The gross number of persons receiving parish assistance in 1868 over those receiving it in 1869 was 1485. Take it that of this number, 1485, 1000 only are employed, and that their average earnings are 8*s.* per week, or 20,800*l.* per annum. This alone is no mean advantage. Yet there is a greater benefit in the improved condition of the would-be paupers by the enforced practice of industry, by the self-reliance engendered, and by the better moral

tone that must exist in those who trust to themselves for subsistence, rather than to ratepayers, many of whom are only a degree better off than themselves.

But it will be said, What of the remaining 485? You have disposed of the 1000. Admitting your calculations as to their position and earnings to be moderately accurate, are you content that the remainder shall be thrown upon other unions, or allowed to beg or thieve for a maintenance? My reply is—first, that other unions should enforce the labour test, as it is done in Liverpool. There would be then no advantage in one union over another; second, that there is no law to prevent either unconvicted beggars or thieves making the workhouse their temporary home, as they can obtain their discharge at any time.

Let it be recollected that my argument is not for the exclusion of any from relief in the workhouse. Admit all who apply. But let the condition of relief prescribed by law—"work"—be strictly enforced. If the residuum I have alluded to do not enter the workhouse, because they will not comply with its conditions, any other hardship they may suffer will be self-imposed.

With reference to "work," I am not advocating it so much as being directly profitable to the union as for its beneficial effect upon the pauper himself. There is no doubt of the desirability of a man's doing work enough while in the house to maintain himself and family, and pay for his supervision, and this ought to be attempted. But because it is found difficult or impracticable, this should not cause the slightest relaxation in the discipline.

The directly economical benefit derived from pauper labour is a very subordinate part of the good to be effected. To show a lazy or apathetic man that work is the stern necessity of his existence is the paramount though indirect advantage. I am not so uncharitable as to assert that all able-bodied men or women who apply for relief are lazy; many of them would work, if the employment could be obtained without much effort on their part. These applicants for relief are often constitutionally apathetic, they want "will," and the labour test tends to remove the apathy and create the will. These remarks about productive labour are suggested by the preceding extract from the Report of the Poor Law Board about "the difficulty of providing out-door labour on a large scale having tended to increase the numbers of able-bodied paupers applying for relief." I maintain where productive labour is not obtainable that shot-drill, as performed in barracks, or the removal of stones or other substances from one place to another, and back again, is better than the incomplete or partial application of the labour test.

In the usual arrangements of a poorhouse, with all classes under one roof, experience shows that, as a rule, the labour test is not strictly carried out. It may be said that it might be, and that it ought to be. This is, however, an intensely practical business, and all experience shows that ordinarily it is not carried out with any approach to efficiency. Nor can it be expected. Take, for example,

a workhouse with upwards of 1000 inmates of all classes, and it would be surprising if the master were able to insist upon ten hours' hard work (such as would be performed by a brickmaker, or a dock labourer) from able paupers, whose aim is to live without work, many of whom possess an amount of craft not shared by industrious men. At the same time that the master has to deal with this difficult class, he has to exercise a general supervision over all the other work done, deal kindly with the sick, the aged, and the young, and imbecile, control the accounts, the commissariat, and the subordinate officers. It may be done, but seldom is. It will, perhaps, be argued that in a large workhouse there is a superintendent of labour, whose duty it is to control the workers. This is true, but his office is of too subordinate, too incidental a character. The men he has to deal with require more vigour than he has authority to exercise, and the place they work in should be redolent of nothing but labour.

This brings me to a more specific reply to the question, "In what respects may the administration of the Poor Law be improved?" My answer is, that the law should be consistent with itself by authorising greater facilities for entire classification, so that the defect, now caused by its incompleteness, may be removed. The case is this, that a law exists prescribing work as a condition for relief, but neglects to provide arrangements by which such law can be enforced. I submit that full classification cannot be made, nor can the labour test be effectually applied, and the object of the Poor Law accomplished, until, in populous districts, the law directs the area of administration to be extended by throwing two or three unions into one. Further, there should be two distinct establishments in each union; the one being for the able-bodied, the partially able-bodied, and those healthy aged who are fit for some work, the vagrants and the casual poor, which, for the sake of distinction, I will call the "workhouse," and its proposed occupants, the "able." The other establishment should partake more of the almshouse and infirmary combined, and should contain the aged, who are unfit for work, the sick, the maimed, the imbecile, and the otherwise infirm poor. These for convenience, I will term the "feeble," and their place of residence, the "hospital."

Of the children, I will speak in a subsequent portion of this paper.

The "workhouse" should be placed as near the greatest mass of the population in the union, as circumstances will admit, so that no unnecessary hardship should be inflicted by compelling a fatigued man or family to travel far for their night's lodging and food. Let a man be either an habitual or an hereditary pauper, call him what you will. Let his character be as bad as it may, it is contrary to the spirit of English law, contrary to the best instincts of our nature, unkind and often cruel, to compel applicants for food and shelter at night, who are both destitute and weary, to walk four or five miles before they can obtain it. Yet this they must do if they would obtain relief from either of two unions closely connected with

this city. This establishment should be, as its name implies, a house for work, full, continuous labour of ten hours' duration for the able bodied; work of a fitting character and moderate in amount for the partially able; in fact, work for all resident, either temporarily or permanently, in the workhouse. The only exception would be in the case of young children, and the women nursing them, who would come in as casuals, and this exception is unavoidable. The workhouse being conveniently situated, able-bodied men might work here whose families were not in the house, receiving nearly the whole relief in food for themselves and families. The design of the place, the character and the business of the place, would all be included in the word "work." All able-bodied paupers entering it, and bringing no "way ticket," must discharge their task before leaving. Of course such an establishment should be presided over by a strict disciplinarian, with authority to punish those who were refractory, or did not perform their allotted share of labour. With this officer should be associated a matron, who would unite energy with firmness, tact and kindness. Able women who come into a workhouse are too often of bad character, and more difficult to control than men.

With such an executive, released from the multifarious duties of an ordinary poor house, and supervised by an active committee, a vigorous and satisfactory administration might reasonably be expected, and the blot upon the present administration of the Poor Law, by its incomplete application of the labour test, be removed.

I will now refer to the "hospital" or "almshouse," which should contain all the adults unfit for work. It will be seen at once with how much greater facility the wants of the aged, the sick and imbecile can be supplied when they are detached from the able paupers. Careful nursing should here be the rule, together with a more varied diet than is usually allowed in the present poorhouses. To the decrepit and helpless many comforts might be granted, and the chief officer, being relieved of the control of the able-bodied, could give more attention to the convenience and well-being of his helpless family. In addition to this, the regulation as to visitors and their gifts might be considerably modified. A friend of mine has said, "Let the union find bread (you have no right to be generous with public money), but let private charity put a little butter on the parish bread, give an easy chair or two, a few prints, books, &c." In a house devoted exclusively to the feeble and the afflicted, these and other comforts might be accepted from the kindly disposed. Great difficulties naturally exist in offering increased comforts under the present system; but there is a large amount of benevolent feeling in store, and the assurance that kind attention and gifts would be bestowed on deserving objects would incite an enlarged generosity, which might be accepted with few restrictions. Some of the well-conducted among the partially-able paupers should be employed to assist the paid nurses; but no able pauper should be so employed.

Although no general declaration has been made by the Poor Law

Board in favour of the more complete separation of the different classes of paupers, I see by their report of 1867-8, that "progress has been made in the separation of the workhouses from the infirmaries." Steps have also been taken under the Act for the formation of district schools. The parish of Lambeth is about to build a new workhouse, and appropriate the old one as an infirmary; and it has already separate schools at some miles distance. I also notice that an order has been issued by the Poor Law Board, to unite the City of London unions with the East and West London unions; but while I imagine this is being done primarily for the purpose of equalising the rates, a fine opportunity will be afforded for the classification of the paupers.

I will now only say, in reference to the carrying out of this more perfect classification, that it may be done with half the revolutionary process of the Poor Law Amendment Act of 1834. The present poor houses would be available with scarcely any alteration. Three unions being united, the buildings would suffice for the "workhouse," the "hospital," and the "school," all the difference being that each class would be housed in the establishment appropriated for its special use.

I have, as yet, said nothing of pauper children, or of their education. Children of course are dependent on the rates from no fault of their own, and should be kept as much as possible from contact with pauperism, and separate from both the poor house and its associations. With this view, district schools have been established, where children from various poor-houses are educated altogether away from adult paupers. This is, undoubtedly, an improvement upon bringing up in the workhouse, but no continuous training of children in masses can be so beneficial as the habits of domestic life, learnt in the homes of thrifty and industrious cottagers. The system of boarding out pauper children is, in Scotland, universal, and has existed for twenty years; the children, of course, being under complete supervision by inspectors. Sir John McNeil, the head of the Poor Law administration there, says, in giving his evidence before a select committee of the House of Commons, that "the result is the most satisfactory thing he has to report in respect to the administration of the Poor Law." In proof of its success, I may state that a workhouse is now building in Edinburgh for 1000 inmates, at a cost of 35,000*l.*, and no provision whatever is being made for children. Paupers are said to be a special race, and the Royal Commissioners on Education in England have reported, "That pauperism is hereditary, and that the children born and bred of that class, furnish the great mass of the pauper and criminal population." This is the result of the system of rearing children in masses in workhouse schools. Now, mark what Sir J. McNeil further says as to the results of the boarding-out system in Scotland. "The effects are such that ultimately the children melt into the population, and you can afterwards find no trace of them; they are not distinguishable from the people with whom they have been brought up." This seems con-

clusive enough, but, to show that the separate workhouse school or district school is not altogether bad, I give the following extract from a short account of the Bristol Workhouse School, furnished me by the schoolmaster, Mr. Hughes:—

“The Bristol Workhouse School may be compared to a district school—it is completely apart, and is a separate establishment from the workhouse. On the school premises there is nothing to remind the children of pauperism. There the teaching and training are made specially subservient to the requirements of this class. In them they are under constant supervision, and receive an education equal to that given in a National or British school, in conjunction with field labour and useful trades, by which they acquire habits of industry. This mode of training has succeeded most satisfactorily with the boys; as several hundreds can be pointed out, who have left the school, and are succeeding creditably in various positions in life: some as commercial travellers, clerks, shipwrights, sailors—one is a sea captain—servants, master tradesmen, journey-men tailors, shoemakers, and blacksmiths, sergeants and corporals in the army that were drafted from the workhouse band, common day-labourers,—six are in business on their own account in the city—others have pushed their way to America, Australia, and New Zealand—one is in the employ of the Oriental Steam Ship Company, another is in the band on board the *Galatea* (Prince Alfred's ship), and in the receipt of 30s. per week and board; and some few have fallen into crime. The number of this class is very small. During the last twenty years, upwards of 1800 have passed through the boys' school, and of this number, five are in the men's wards in the workhouse, three of whom from affliction were never physically capable of providing for themselves. To specify interesting facts of boys who have left us, and to quote gratifying extracts from their letters to us, would fill a small volume.”

The account of the girls' school is not equally satisfactory, and is as follows:—“Girls sent to service during the last five years, ninety-nine; of these, twenty-two returned to the house, nine of whom turned out badly; the other thirteen returned for no bad conduct—have gone to service again and are doing well.” I believe that the Bristol Workhouse School is a favourable example of the system, and that it is superior to many workhouse schools. But I wish to have both sides stated—my leanings are distinctly in favour of the boarding-out system; the chief objection to it, however, appears to be in the difficulty of finding proper persons with whom to board the children. Could suitable cottagers be found to take them, and a full control be exercised by proper inspection, the experiment of a system that has answered so well in Scotland should certainly be tried in England. I find that in England the plan is in operation, in the following unions—namely, Leominster, Swindon, Eton, Caistor, Horncastle, King's Norton, and Chorlton. I also notice that resolutions in favour of its adoption have been passed by the Boards of Guardians of Merthyr, Stone in Staffordshire, and Berwick-upon-Tweed, a

that at the latter place a committee of ladies has been appointed to aid in carrying the plan into operation.*

I learn, as the opinion of officers of several large unions, that a check needs to be put upon paupers going in and out of the workhouse at pleasure. Gangs of the vilest of both sexes do it, in populous districts, continually using the place as their hotel. To shut the doors against them is not to be thought of; but magistrates should have power to order any pauper, habitually discharging himself or herself, and soon after seeking re-admission, to be detained for a short time in the workhouse. This would tend to destroy the attraction of a workhouse life for these roughs as much as stricter discipline, but can only be effected by fresh legislation.

Briefly to recapitulate, my suggestions are:—

- (1st.) That several unions should be thrown into one, for the purposes both of rating and administration.
- (2nd.) That in each union, those able to work, and all able-bodied, should be sent to the "workhouse"; that those unable to work should be sent to an establishment being a combination of the infirmary and alms-house, and called the "hospital"; that the children should be sent either to the district school or boarded out in cottages.
- (3rd.) That a power should be given by law to detain paupers who are continually passing in and out of the workhouse.
- (4th.) I will add, what I have not before alluded to, that a closer supervision than now exists is an imperative necessity. The Poor Law Board should be required to ascertain, by frequent and real inspection, whether their rules are carried into execution. There should also be a more efficient audit, by officers of the Poor Law Board, giving their whole time to their duties. A careful comparison of management and expenditure, by means of a close inspection and a good audit, would enable the Board to insist upon uniformity of system among the various unions, or a sufficient reason to the contrary (which there is not), and that uniformity could mean little less than a bringing of the worst managed up to a level with the best.

Few subjects deserve more the attention of the philanthropist than that of the pauperism existing in a highly civilized community. The presence of so much want in the midst of so much abundance is painful to all sensitive minds.

* The subject is very fully treated in Miss F. Hall's "Children of the State," and in a pamphlet written by Colonel Grant, R.E., each published by Macmillan, London. Answers to objections, questions of cost, and other details of the boarding-out system, will be found fully stated in the latter publication; both works will repay perusal.

Its direct money cost in local taxation is 7,000,000*l.* sterling per annum. The hopelessness of success in giving moral and religious training to people in a state of destitution is admitted. Looking at the subject as a whole, or taking it in detail, it is worthy the deep consideration of the master minds of the present day. The further power of law must be called into operation to check the growing evil, but it must be the power of law tempered by Christian love and by a full consciousness of our own defects.

Discussions upon this and kindred topics have done something towards giving effect to recent legislation, and I entertain a sanguine hope that the deliberations of this Conference may further assist in the improvement both of our laws and of their administration.

On the Same. By Colonel C. W. GRANT, R.E.

A VAGRANT is an itinerant pauper, who, on applying at a work-house, or on any constituted authority, for a night's lodging and food, must have it accorded to him, provided that on being searched no money, or other means of subsistence, is found on him; he therefore comes properly under the head of pauperism. But there are some peculiar characteristics connected with vagrancy which admit of being separately considered, and which I propose to examine in this paper.

Vagrants are divided into two classes, the deserving and the undeserving, and it is the difficulty of discriminating between these two classes that has always made the solution of vagrancy so difficult a problem. The deserving vagrant is the labouring man, or artisan, out of work, who travels from place to place in search of employment, and who being temporarily without means of subsistence, seeks a night's lodging and food, either in some charitable institution, in the vagrant's ward in the provincial workhouse, or in the casual wards in London; the undeserving vagrants are the professional beggars, and idle, lazy, and indolent vagabonds who prefer wandering about the country, and living how they can, to earning their livelihood by honest labour, but who will also apply for a night's lodging and food if they can get it without trouble.

For centuries past the law has waged constant war against this latter class, visiting them with all its terrors—they were branded with hot irons on the cheek and forehead—had large holes burnt through their ears, or the upper portion of the ear was cut off—were put in the stocks and fed on bread and water for three, or even for six days—were enslaved, and had iron collars welded round their necks—were whipped until their bodies were covered with blood, and were even hung, but all to no purpose; they have resisted all attempts to put them down, and are still the subjects of as much annoyance and of puzzle how to deal with them as ever. In fact, there is something in the calling of a beggar akin, though in a pitiful degree, to the free rover, the smuggler, or the highwayman.

of former days. There is a pleasure in the free, roving, independent life, a certain satisfaction in living by forbidden means, for "forbidden fruit is sweet," that was felt by the rover when driving a herd of black cattle, by the smuggler when running a cargo of contraband spirits, by the highwayman when taking a purse on Hounslow Heath, that is still felt by the beggar in deceiving and defrauding the benevolent and unwary, and that has made them proof against every weapon with which they have been assailed. The sword of justice has been raised against them in vain, though with a keen and vindictive edge; but there is one weapon which has not, as yet, been fairly tried, but beneath which, if applied with effect, they must succumb, and that is the universal determination of the public not to give alms. Let the community once see the necessity and the justice of using this weapon, and begging must cease—it must die from inanition—as, like all other callings, it is a mere question of supply and demand; if there were no givers there would soon cease to be beggars; it would not pay for the same reason that where there are no buyers there will be no sellers. But the difficulty is, and always has been, to induce the public to see this in its true light; the beggars may be reckoned by thousands, and may be dealt with in some way or another—the public are numbered by millions, and are much more difficult to deal with. In the fourteenth century an Act was passed, subjecting any one who gave alms to beggars to imprisonment; but although they had then got hold of the right thing in theory, in practice it was *nil*; it was felt that however wrong in the result, alms were given from benevolent motives, and that there was a total absence of that wilful animus which is necessary for conviction on any offence, and therefore justice restrained its arm and the Act became a dead letter.

Giving alms to beggars is not exactly penal now by law, but it is something very near it. By the 5 Geo. IV. c. 83, s. 3, every person wandering abroad, or placing himself or herself in any public place, highway, court, or passage, to beg or gather alms, &c., is to be deemed an idle and disorderly person, and may be committed to the House of Correction, with labour, for not exceeding one calendar month; and by 11 & 12 Vict. c. 43, s. 5, every person who shall aid, abet, counsel, or procure the commission of any offence punishable on summary conviction (such as begging) is liable to the same forfeiture and punishment as the principal offender. Now, although the giving alms to a beggar does not exactly come under the letter of this Act, it does under the spirit of it—for if the giver does not, in a legal sense, counsel, or procure a beggar to beg, he does encourage and morally abet the beggar in so doing, by inducing him to continue and repeat an unlawful practice, which this very act of giving has made advantageous to him, thus sailing very close to the wind of the law.

This giving alms to beggars is not only violating the spirit of the law, but is also morally wrong, inasmuch as we pray every day not to be led into temptation, and yet, by this giving, we do the very

thing we petition against—we tempt the beggar to continue his unlawful calling, and we tempt others to adopt it.

For the last five centuries all the ingenuity of the law-makers has been exerted in inventing punishments, severe, and severer still, against the beggars, but with the single exception before alluded to, all our attempts have failed to attack the root of the disease, the fountain head of the noxious spring, from, I believe, the difficulty of knowing how to set about it, as it is easy to enact severe laws against the bad, but repulsive to do so, against the erring good.

There is an instinctive feeling of benevolence and of pity for the needy and afflicted in almost every person's breast, and which is strongly felt by the poor themselves, that is, by the labouring and artisan classes, who, knowing what it is to be sometimes pinched for food, and to suffer themselves, and having but small powers of discrimination are easily imposed upon, and induced to give of their small means to those who appear to be so much worse off than themselves; whilst among the wealthy are many who, aware of the deceptions constantly practised, would yet rather give to two undeserving applicants, than that one really in distress and want should be turned away from them empty. We are told that it is a Christian virtue and duty to give to the poor and needy, we are appealed to for the love of Heaven to give something to a starving wretch, and we, especially the labouring classes, know not how to refuse.

If, then, the public are to be told that it is against the spirit of the law, that it is wrong, and even sinful, to give to the common beggar, who by the very act of begging is committing a crime, they must also be assured that the deserving wayfarer, the really needy and distressed, are relieved and provided for; when this can be made manifest and clear to the public, but not till then, can there be any hope of their desisting from personally assisting the apparently distressed.

From the very earliest records the needy and deserving have been carefully provided for, and even before the 43rd of Elizabeth gave them a legal right of support by a tax on every inhabitant, the local authorities were directed to collect alms at the doors of the churches, and the clergy were instructed to exhort their congregations to give alms; and at confession, at the making of wills, &c., to provoke the wealthy to give of their abundance for the support of the poor and needy, the aged and the infirm, for whom almshouses and convenient abiding places were ordered to be erected. But what do the labouring classes now see provided for the needy and afflicted? The workhouse! The same for good and bad alike, the place of all places of which they have the greatest abhorrence, whilst those who are far above want themselves, cannot but feel it to be hard, that the honest labourer or workman seeking employment, and suffering from a temporary want of work, should be sent to the workhouse, there, probably, to become a permanent pauper.

In dealing with vagrants, therefore, whilst we are justly severe upon the professional beggar, the idle, and the dissolute, we are equally

bound to treat the deserving poor with consideration, and to provide food and lodging for the really suffering and needy traveller.

But there are other parties on whom the right distribution of our charity greatly depends, and these are the police and the magistrates; but Mr. Goschen said, in the Poor-Relief Debate in the House of Commons on May 10th, 1869, that there was a difficulty in procuring the conviction of vagrants, because magistrates did not regard the offence as one of a serious character; and, if such is the case, we must not be surprised if the police are not over-zealous in apprehending vagrants, and have to take them, perhaps, a mile-and-a-half or more to the police station, and then return to their beat.

We have the means of showing the practical working of the Vagrancy Act in Bath, where last year about 7300 vagrants were relieved, of whom we believe a large proportion to be common beggars; but how many of these beggars were apprehended by the police, or convicted and sent to punishment by the magistrates, the following list, taken from the committal books of the borough and county police, will show:—

Number of beggars apprehended in twelve months ...	110
Ditto ditto convicted in ditto ditto ...	71

If we suppose, that, of the 7300 tramps who were relieved last year in Bath, one half were beggars, and that there must be many who never apply for, or are refused, relief, at least 4000 beggars must have wandered about the city and suburbs during that time, of whom only one in forty was apprehended, and of these about two-thirds only were convicted, from which it would appear, either that we are mistaken as to the number of beggars, or that they are so quick as never to beg when a policeman is in sight, or that the police do not apprehend all the beggars they see; but, whatever the cause, it is clear that, although the Act against vagrants is clear and stringent, a very small proportion of those offending against it are apprehended or convicted, and that, with such chances of escape in their favour, it is not surprising that they run the risk of detection. I am aware that these figures apply only to one place, but as Bath has both a borough and county police, efficiently administered, I believe they may be taken as a fair average for provincial towns.

Such being the facts of the case, there remains to be considered the best means of arresting, if not of suppressing, the career of the common beggar. It is supposed that there are about 34,000 vagrants patrolling the country, and infesting our cities, besides the 8000 who, by the return of the 1st July, 1868, were receiving Poor Law relief, say about 40,000 in all.* Now, when this number is compared with 1,000,000 of paupers in receipt of relief, and the expense incurred by the ratepayers on their account is compared with the 7,500,000% expended on poor-relief, the amount in either case is so comparatively small, that these vagrants must be considered rather as a public nuisance, than as a burden on the ratepayers. Or take the case of Bath as an instance. Last year about 7300 vagrants were provided

with a night's lodging and food, of whom nearly 2000 were relieved in the common lodging-houses in the town, and charged to the Union, and the remainder, or two-thirds of the whole number, at a charitable institution called the "Refuge for Destitute Travellers."

The sum paid for each vagrant at the common lodging-houses is 4*d.* per night, the estimated cost in the casual wards in London is 3*d.* per night, and the actual cost of provisions supplied to a vagrant in the Bath workhouse is only a fraction over 1½ per night ; but assuming the cost to be 4*d.*, the total cost of 7300 vagrants would amount only to 121*l.* 13*s.*, one-third of which, or about 40*l.* a year, has hitherto been paid by the rate-payers. If this sum is compared with that of 20,000*l.* a year, the amount for actual poor relief in the Bath union, or with 31,000*l.* a year, the sum charged on the rate-payers for the total amount paid out of poor-rates, including county and highway rates and all other expenses, it is so insignificant as not to warrant any large expenditure on the erection of separate buildings, or for entertaining any separate establishment for the express purpose of looking after the vagrants ; and as Bath has a deserved reputation for its charitable institutions, and has hitherto treated the vagrants so hospitably, the numbers relieved there may be taken as a full average of other unions, always excepting London, everything respecting which requires to be specially considered.

It is now the general opinion that the best persons to deal with vagrants are, for obvious reasons, the police ; and although a uniformity of system is most desirable, that the professional beggar may not be able to map out his campaign and select his line of operations, according as such or such a place is written in red letters in his mental diary, still there will be found in most towns certain peculiarities which may occasion certain deviations from any general system.

The workhouse at Bath is situated on a high tableland, nearly two miles from the police station, which is in the centre of the town. Of late years, the custom has been for all tramps to apply at the police station, where, if apparently without means, tickets were given to the first nineteen applicants, for the refuge for destitute travellers before-mentioned, and for the common lodging-houses to all subsequent applicants. No work was required of them in either case ; but as it was found that this unrestricted relief was doing more harm than good, and that the number of vagrants was greatly on the increase, the refuge in question was closed a few weeks ago, until some proper labour test should be established, and all applicants for a night's relief are now examined by one of the four inspectors of police, who are also assistant overseers of the poor, and if considered to be really deserving wayfarers, tickets are still given them, whether men, women, or children, for the lodging-houses ; but if the police have reason to believe that they are common beggars or vagrants, they are sent up to the workhouse, where they receive supper, bed, and breakfast, after which they are to pound stones for about three hours before proceeding on their way. In this case, the toil up the hill

the workhouse, after a long day's walk, is of itself no inconsiderable test of the sincerity of a man's wants, and the stone-pounding of the morning is an occupation the professional beggar has a great objection to. These two combined become then a tolerably fair test of a man's really being in need of food and lodging.

The following table shows the result of this experiment during the last eight weeks :—

TABLE SHOWING THE NUMBER OF VAGRANTS WHO HAVE BEEN RELIEVED BY THE BATH UNION DURING EIGHT WEEKS, FROM AUGUST 4 TO SEPTEMBER 28, 1869 (BOTH DAYS INCLUSIVE.)

Dates.				Tickets given for Workhouse.	Went to Workhouse.	Tickets for Lodging-houses.
August	4 to 10	...	...	56	56	52
"	11 " 17	...	...	52	51	51
"	18 " 24	...	...	48	46	64
"	25 " 31	...	...	81	79	41
September	1 " 7	...	...	72	72	23
"	8 " 14	...	...	71	71	14
"	15 " 21	...	...	87	82	49
"	22 " 28	...	...	83	80	45
Totals				550	539	339

Hence, it appears that out of 550 men to whom tickets for the workhouse were given, and who were told that they would have to walk nearly two miles up a long hill to reach the workhouse, and have to break stones in the morning, 539 (or all but eleven men) actually went there. These men must really have been in want, or they would not have subjected themselves to be examined by the police, to have toiled up the hill to the workhouse at night, and to have pounded stones in the morning for three hours, for the sake of the night's lodging and the three-halfpence worth of food that they got there. During these eight weeks, 878 vagrants were relieved, or at the rate of 5707 a year, which is much below the average, as 7300 vagrants were relieved in Bath last year. Of the 339 persons sent to the lodging houses, 147 were women and children.*

* From August 4, 1869, to January 11, 1870, or in twenty-three weeks, out of 1563 men to whom tickets for the workhouse were given, 1520 went, or 97 per cent., or thirty-three out of thirty-four; the total number of vagrants relieved during these twenty-three weeks was 2550, or at the rate of 5765 in the year. In October, from 150 to 215 were relieved weekly; but during the last five weeks they have fallen to from fifty-four to seventy, or only about one-third the number in October: and the police inspectors, acting as assistant overseers, and the master of the workhouse, state that a very different and better class of men to those who came at first come now, and that the number of common beggars is greatly reduced. This is doubtless greatly due to the strict orders now issued and carried out by the police, for the apprehension of all beggars.* The new vagrant ward in the workhouse has been occupied about a fortnight; but the refuge for destitute travellers in the town has not yet been re-opened.

It has been generally supposed that two-thirds, or at least one-half, of the vagrants are common beggars, who live by such a calling, but the result above described almost makes us hesitate to adopt this idea, for it must be remembered that these men get no dinner; so, if they are willing tramps, idle and dissolute fellows, it is but a sorry life they lead; or it may be that the professional beggars will soon scent the system adopted here. Time will show—the arrangements for the reception of vagrants at the workhouse are as yet very imperfect, but suitable accommodation could be provided at a trifling expense, and if, when this is completed, the “refuge” supported by charitable contributions again opens its doors for the reception of the really deserving wayfarer, the ratepayers will be relieved of all expense, except that incurred at the workhouse for the regular tramp.

There appears to me to be the germ of a good system in this arrangement; and if the public can be led to believe that the deserving wayfarer is ensured kind and generous treatment, and that all who are not satisfied with this are impostors and totally undeserving of their charity, there might be a hope that the professional beggar would, in time, give up his calling on finding that it did not pay.

But, after all, everything must depend upon the public; no washing, which the vagrant enjoys in hot weather, no stone-breaking, however disagreeable that occupation may be, will put down the real beggar, to whom the food and lodging offered by the workhouse is not worth acceptance, and will not be applied for when accompanied by disagreeable conditions. The regular beggar, who makes begging a calling, is supposed to earn from 3*s.* to 5*s.* a day, very probably often more. I remember a conversation being overheard between two beggars in Sussex some years ago; when one asked the other where he had been, and what he had been doing? to which was replied—“I was in Arundel yesterday, and only made 2*s.* 6*d.*” To which the first rejoined, “Then you must be a fool, for Arundel, well begged, is worth 5*s.* any day!” Is it likely that a man who has taken 3*s.* or 4*s.* during the day, will go to a police station, for which he has an intuitive dread, subject himself to be examined and then sent to the workhouse to be searched, &c., and made to break stones in the morning, for the value of 3*d.* or 4*d.*? Certainly not; these tests will not touch the regular beggar, but they will prevent his applying for relief, and abusing the charity intended for those really in want.

Such institutions as the refuge for destitute travellers in Bath are most desirable, when supplemented by an efficient labour test at a workhouse; as it would be most unjust to subject every applicant for relief to the labour test; for this reason—a man really in search of employment has to walk from ten to fifteen miles a day, and has to go hither and thither making inquiries for work, so that the day is none too long for him; but if kept at work for three or four hours in the morning, he is deprived of some of the most precious hours

of the day, especially during winter. Travelling in search of work should be encouraged, not punished, as it is surely better that a man out of work should seek it elsewhere, than remain idle or go upon the rates; so that, if the public, instead of wasting, or worse than wasting, their money in almsgiving, would give the same amount in support of such "refuges," the vagrancy problem would, I believe, be solved—the deserving wayfarer would be provided with a comfortable night's lodging and food, to enable him to continue his journey in the morning; the common beggar would find his occupation gone; and the miserable tramp, who has neither wit to beg successfully or energy to labour, would be provided with lodging and food at the workhouse, but of the commonest kind, and only to be earned by working three or four hours at stone-breaking. The system that has been proposed of giving pass tickets is open to much abuse, and would not be necessary if the foregoing plan could be carried out.

What I propose, then, is briefly this—to send all applicants for a night's relief to the police station, there to be examined by inspectors of police acting as assistant overseers of the poor; to provide, by the charitable contributions of the public, a comfortable night's lodging and food for the honest labourer or artizan, travelling in search of work and to establish such a labour test in the workhouse, as shall debar the common beggar from applying for relief, and give to the mere tramp such relief only as the law requires; that the public should desist from giving alms to beggars; and that the provisions of the Vagrancy Act of 5 Geo. IV., c. 83, s. 3, should be strictly carried out by the magistrates and by the police.

All this may easily be accomplished except the last; for if the public will still persist in neglecting their obvious duty in this respect, we can no more force them to do it, except by the re-enactment of the penal laws of the 14th century; than we can prevent their throwing away their money in any other worthless manner or making ducks and drakes with it, over the surface of a pond. But then let us hear no more of the annoyances or nuisances of beggars.

But there is still one point to be briefly noticed. If, of the 40,000 vagrants, some 25,000 are common beggars, and, by the measures above proposed, these 25,000 persons found their occupation gone, what is to become of them? We know what the severe laws of the fourteenth, fifteenth, and sixteenth centuries made of them; it turned them into thieves, fobbers, and cut-throats, for these fellows argued that if they were to be burnt, branded, whipped, and hung they might as well be hung for something more worth hanging for than begging. We are trying to reduce pauperism by the test of the workhouse, to reclaim our criminals by discharged prisoners' societies by granting tickets of leave as a reward for good conduct while undergoing penal servitude, by education, by kindness, by persuasion. We strive to prevent, rather than to punish crime, but with 25,000 starved out beggars, upwards of 25,000 known thieves, 30,000 suspected persons, 3000 receivers of stolen goods, 155,000 adult, able

bodied paupers, exclusive of 261,000 children, and scores of thousands in our gaols and convict prisons, how is this to be done? If we make honest persons of all these, or if they wished to become so, could we find honest employment for them, with the supply of labour far exceeding the demand, with the mills in our manufacturing towns stopped, or working half-time, the number of agricultural labourers employed annually decreasing, a low death-rate and a system of emigration, which admits of the population increasing three millions during the last fourteen years, with such a state of things, could these rogues, vagabonds, and criminals be honest if they would? It is a serious question, and one which the limits assigned for this paper forbids my entering upon, but one which must some day force itself upon our attention; for to be severe, we must be just, as without moral justice, judicial severity becomes a crime.

Mr. R. W. TIMBETS, of Bristol, read a paper on the same subject. He classed the paupers in four departments—the able-bodied; the feeble, sick, insane, and aged; the children; and the vagrants. He complained that the administration of the Poor Law was in the highest degree variable, and said he believed in paid officers, who should be directly responsible to a central board. As to the sick, he thought the dispensary system, as carried out in Ireland, should be adopted; and, with regard to children, he considered the wisest policy would be to form one or two district schools in each county. He agreed in the suggestions which had been made in the circular addressed last year to the boards of guardians; that the officer appointed to administer relief to vagrants should be clothed with the power of a constable, because, while the professional tramp would be unwilling to confront such an officer, the honest but destitute wayfarer would not object to being confronted by him. A register should be kept of the names and occupations of vagrants. In the case of a person travelling in search of work, or with any other deserving purpose, a ticket should be given at the first union work-house at which the applicant is relieved, setting forth the name, occupation, and cause of seeking relief, together with other particulars, when the person could show by his ticket that he had walked a certain number of miles in search of work; he ought then to be relieved without his having to perform task-work. Nothing could be worse than the present want of organisation: the guardians on the one hand putting forward what they thought proper, and the Poor Law Board, on the other hand, doing the same. In conclusion the writer expressed his conviction that the experience of the past justifies us in the belief that nothing approaching uniformity of management will ever be obtained so long as the administration of the laws is placed in the hands of boards of guardians as they are at present constituted.

A paper by Mr. JOHN JONES on the subject was read. Mr. Jones treated of the union which should be effected, if possible, between private philanthropy and the Poor Law authority. He pointed out

that private charity and Poor Law aid so far from assisting each other, were often working in direct antagonism; that skilful rogues could obtain assistance from both sources at the same time. The writer suggested various ways in which the two might be brought into harmonious union.

Mr. F. W. Fox read a paper on the same subject. The writer attributes the failure of the existing Poor Laws as well as those of the preceding system, to the non-recognition of certain principles which are essential for preserving our social future in a healthy condition. Foremost amongst these he considered was the principle of mutual friendship and interest which entered so essentially into feudalism. He attributed the substitution of the principle of merely mutual necessity for that of mutual friendship and interest, to the reaction which took possession of the mind of the English nation on the overthrow of the feudal system. The writer considered that every organisation of poor relief should embody:—First. The principle of sympathy and union of interests of one class towards another, so as to develop a healthy spirit of independence and self-respect. Secondly. That the guardians of the poor should have a sense of an individual and personal responsibility impressed upon them by the charge or oversight of a definite number of families. Thirdly. That a broad line of separation should be established between the pauperism of idleness and the poverty of misfortune. Fourthly. That no relief should be afforded to able-bodied persons, except in the form of wages earned by piecework or some productive work, and that those who were too vicious to work should be at once sent to the treadmill. The writer was of opinion that the present Poor Laws do not practically recognise these fundamental principles, that the district relief system, so successfully carried out, by Dr. Chalmers, and his successors at Glasgow, for a period of fifteen years, if altered, to adapt it as a national organisation, fulfils the above requirements, and would, in every respect, be most adapted to cope with the social phenomena of the age.

Colonel OLDFIELD also read a paper on the question. He said that it was impossible to remedy pauperism without reference to the causes which produce it. Though aggravated by drunkenness, yet it was primarily caused by the want of permanent profitable work in England for the people. We must therefore enlarge our field of labour by including in it that "Greater Britain" formed by our colonies, every acre in which not already appropriated should be at the disposition of our people to settle in and subdue. Of the people who remained behind, very few were sufficiently educated to become skilled labourers. We cried out for technical education, but that cry was in vain, because of the selfishness of those already skilled, who protest against any increase in their numbers. Absolute excess of population remains impossible so long as any human want remained unsupplied, and any seeming excess was therefore only local and temporary. Paupers ought to be employed at such

rates as would render them eager to return, as soon as they could, to private employment. All remedies, however, will be incomplete to eradicate pauperism; as there will always be the victims of vice and disease to be provided for. The writer looked, in conclusion, to the extension of the system of co-operation, to teach the working man his true interest, and where the shoe really pinched.

Mr. G. M. SPROAT, in a paper on the question, advocated a fixed standard as the minimum for maintenance, and a more adequate supervisory power. He advised at the same time that the framework of the Government should remain much as it is.

• A paper by Dr. WILLIAM CLARK followed. • From long experience as a Poor Law Medical Officer in England and Scotland, the writer maintained that the English Poor Law had failed, because it was administered without discrimination. The deserving poor, those who have become paupers through no fault of their own, are too often insufficiently relieved, while the idle and profligate are not deterred from relying on the poor rates for their future support. And that, inasmuch as the public money raised for the relief of the poor was thus unduly wasted, that these evils might be in a great measure obviated by a system that would ensure full and complete inquiry into the circumstances of every applicant for relief. And to this end, instead of applications for relief being made in the first instance to the board of guardians, whose business is generally managed by a small minority, who simply act on the report of their relieving officer, himself very imperfectly informed, that relieving officers, well educated and liberally paid, should be required to give their whole time to the duties of their office. That the Union to which they are appointed should be divided into districts, and that several resident rate-payers in each district should be chosen, as a committee, to assist with and advise the relieving officer (who shall visit each district once a week), in going over and adjusting the roll of paupers, and deciding upon new claims for relief. That the relieving officer, wherever necessary, should visit the poor in their own homes, communicate with employers of labourers; and try every means in his power to get to know, as far as possible, whatever is necessary to be known about the poor in each district. That the practice of keeping paupers in workhouses has worked badly, and ought to be greatly restricted. It has the disadvantage that it is twice as costly as out-door relief. That workhouses should be used as hospitals for the sick and homeless poor, and their internal arrangements should be such as are found in well managed hospitals. Children ought not to be brought up in them. That a uniform system of medical relief for the poor and of remuneration to medical officers, should be agreed on. That the latter should be made to depend on the average of cases attended and the area traversed. The paper concluded with the suggestion that, as drink was the great cause of pauperism, it ought to be taxed to lighten the load of maintaining paupers.

DISCUSSION.

Mr. GEORGE HURST had a strong suspicion that able-bodied pauperism ought to be repressed by severe treatment in the workhouses. His experience as Vice-Chairman of a large union had taught him that the able-bodied consisted of weak and imbecile persons, who entered the workhouse, not from their love of it, but from absolute necessity. One thing which would prevent a poor man entering the workhouse, unless he was driven by hard necessity, was that residence in it was a system of close imprisonment inconsistent with the innate love of liberty felt by every able-bodied man. In times of distress some able-bodied men must go to the workhouse; and in agricultural districts no relief was given to an able-bodied man out of the house, except in cases of sickness in the family. Whilst we had close imprisonment for the pauper there was no necessity to make his life in the workhouse much more hard than it really is. Boards of guardians and workhouse masters had no friendly feeling towards the pauper, and in most workhouses the labour-test was strictly enforced. There was no idleness, as there used to be.

Colonel GRANT (Bath) had examined the Poor Law returns from forty-one unions, and deduced from them that a small amount of in-door relief was quite compatible with a low rate of pauperism. He agreed that we required proper classification.

Dr. STALLARD felt the necessity for a totally different treatment of able-bodied men; without the power of detention it was impossible to deal with them; that able-bodied persons would not be relieved in workhouses was perfectly well known; in three-fourths of the workhouses there were absolutely no able-bodied men at all; and on the whole, perhaps 5 per cent. of in-door male paupers were able-bodied in the ordinary sense of the term, although, in the language of the Poor Law Board, some 16 per cent. were. The great difficulty to be dealt with was the impossibility of dealing with able-bodied paupers without the power of detention. He entered his protest against anything like useless work, which was most demoralising.

The Rev. Canon GIRDLESTONE had long since come to the conclusion, that if we had never had a Poor Law in this country we should have had much less pauperism. The question for discussion had been to a great extent answered by what had been said about the necessity for greater classification in the workhouses. He could not concur in praises bestowed on guardians; his experience in agricultural districts was that nothing could be worse than the way in which the Poor Law was administered. What we wanted to create, in the mind of the agricultural labourer especially, was a feeling of self-reliance and independence; and what had the Poor Law done in this respect? Almost universally in country districts it had been made to supplement wages; and it was the supplementing of wages by the Poor Law that had robbed the agricultural labourer of his spirit of independence and his self-reliance. In the country parishes the Poor Law was administered by the very farmers whose object it was to supplement the wages of their labourers out of the public purse. Until there was an infusion into boards of guardians of those who would oppose this supplementing of wages, we should go on destroying the independence of the agricultural labourer. The more the children of paupers, of those in the house, were dispersed, but not into cottages, and taken away from the contaminating influence of the workhouse the better. By Denison's Act boards of guardians were permitted to pay out of the parish funds for the education of the children of those who were receiving parish relief. The Act had been adopted in very few unions, although the cost of carrying it out did not exceed a halfpenny in the pound. He would propose that that Act should be made compulsory; and as it applied only to cases of out-door relief, why should it not be extended to the children of those in the house? If this were done, vast numbers who remained uneducated would receive a good education and the funds of schools would be benefited. The administration of medical relief might be greatly improved; in country districts it was the worst part of the Poor Law administration. The parish in which he lived in Devonshire was one of five in the district of a Poor Law medical officer. The district contained a population of 5769 persons scattered over an area of 19,617 acres; the salary of the medical officer was 79*l.* per annum, increased by extras to 101*l.* 1*s.* 6*d.*, and out of this

he had to supply medicine, splints, bandages, and everything required for the medical relief of the poor. Within the last few weeks another medical man in the same union, who had held his office for the last twenty years, had represented to the board of guardians that he had to administer a great quantity of cod-liver oil, which was an expensive medicine, and he begged that, if no other drugs were supplied to him, that might be supplied by the union. He got an indignant reply to the effect that a man who had filled the office so long ought to have known better than to make so imprudent an application. It would have been better for the poor in the agricultural districts to be dependent upon the kindness and charity of neighbours, and to have no medical relief from the board of guardians than to have it administered in such a way. The extent of districts, the number of people in them, and the cost of medicines, made it impossible for medical officers to discharge their duty faithfully. A medical officer ought to be paid for every case whatever might be considered a fair and reasonable charge; and in every district there might be a surgery supplied with drugs, splints, bandages, and appliances at the expense of the union.

The Rev. S. A. STEINTHAL said that Denison's Act had been found to be a failure in many places, because of the fluctuating character of the paupers in the workhouses of large towns, and because it did not enable the guardians to recover the school fees for a day longer than a person was in receipt of relief, so that the guardians became involved in pecuniary responsibilities which they had no resources to meet. To make Denison's Act compulsory would affect the general education of the country.

Mr. ALSAGER HILL had thought the day was gone by when it would be considered desirable to employ persons in useless labour. If we were going to have labour, ought we not to have some means contrived by which workhouse authorities might put themselves *en rapport* with the labour market, so that those within the workhouses shall, as speedily as possible, be put again into the labour market? If the theory of detention were carried out, there arose this difficulty: the labourer, willing to go back to the labour market, was prevented from doing so by the fact of his being in the workhouse. In one or two of the workhouses in London arrangements had been attempted by which the state of the labour market had been made known to the occupants of the houses, and good results had followed. The complaint he was continually hearing was "While we go to the house we lose the chance of getting work." In consequence of this we had a large number of charitable institutions called refuges, which ought never to exist, for taking in poor people who were fit subjects for Poor Law relief; and the reason why we had them was that the originators of them were able to appeal to the sympathies of the public and say that they afforded to the poor an opportunity of looking for work. If boards of guardians had arrangements for taking a synoptical view of the labour market, they might from time to time exercise their discretion in allowing inmates of the workhouse to go out in search of work. This experiment had been made on a considerable scale by the Jewish Board of Guardians, the Jews having chosen to detach their poor law administration and to create a machinery of their own. In their report for this year it was stated, that more than 1000 persons out of a community like that of a large union, had been permanently supplied with reproductive labour. Other institutions on a small scale had made a similar experiment and had experienced no difficulty in finding labour for a certain number of persons who came under their charge. The guardians of the poor seemed to think that all they had to do was to get people within the walls of the house, keep them for a time, dislocate all their relations with society, and then send them out again, expecting that they would settle down to honest work. In this they were mistaken; and until they considered that paupers were a part of the world without, and that there were living cords binding them to the world to which they wished to return, we should do little indeed towards making our paupers useful and laborious citizens.

Mr. HENRY NASH (Bristol) said he had been told by an officer of the Wiltshire union, of the case of an agricultural labourer who could earn 11s. per week, but who obtained 3s. per week at out-door relief, at the rate of 3s. each for himself, wife, and children, and it was necessary to insist upon their entering the house to rectify this state of things. The conditions of town paupers and

country paupers were so different that they must be considered separately. Children might be separated from parents who have become paupers; such children ought not to be considered paupers in any sense; they ought to be educated, apprenticed, but not to trades, and turned up in the labour market; and in this way the link between the old and the new generation ought to be destroyed. Considering the penalties that are attached to pauperism, the charitable institutions closed against those who had become paupers, and the deprivation of the franchise, it was a great hardship that a man, who had worked as long as he could, and was obliged to receive such relief, should be classed as a pauper; he ought not to be considered a pauper in the ordinary sense of the word. Classification ought to lead to the really industrious and honest classes being drafted off into the labour market.

Mr. JOHN HANCOCK (Lurgan), who for thirty years had been chairman of an Irish union, said Ireland had surmounted the difficulty of medical relief. Medical men were paid proper salaries, and furnished with proper dispensaries, supplied with medicines, &c., out of the rates. The exemption of Ireland from small-pox was the result of its admirable system of dispensing relief. It was necessary to distinguish between town unions and country unions, because it was impossible for those connected with large towns to know a hundredth part of the pauperism within them. The professional tramp was closely allied to the criminal, and he ought to be put under the charge of the police. If a man could show that he was not a tramp but was really a pauper, then he should be transferred by the police to the workhouse. There was no difficulty with large towns in utilising the services of the police in this way; for the first person to whom a policeman referred for information about a serious crime was the professional tramp. Looking to the advance we had made in dealing with criminal and vagrant children, the time had come when the professional tramp might be handed over to the police.

After Mr. TRIBBETS had read his paper,

Mr. HURST adduced statistics to show that pauperism was not on the increase, and said that in his union medical men were paid so much per head for each person attended; this was far better than the contract system, which was oppressive to the medical man. The evil of large district schools was, that the teachers knew nothing of the children individually.

Miss TWining said we heard a good deal about gentlemen inspecting workhouses, but no one said a word about women inspecting the female departments, and surely they might put in a claim to do that. The inspectors were generally Oxford or Cambridge men, or barristers; she had been round with them, and had pointed out to them what only a woman would have noticed in the domestic arrangements. The grossest practices had gone on without discovery, and any woman would have perceived them. A matron could make the guardians believe anything, and it was not in the province of men to discover bad domestic arrangements; particularly those connected with the sick. Some sort of authorised female inspectors of workhouses would be of the greatest possible advantage. Women had their work as well as men; and there were great evils that never would have existed if women had had a voice in these matters. A matron was usually a person of the most ordinary capacity, utterly incompetent to manage a house containing from 500 to 600 persons; and a matron ought to be assisted by a ladies' council and committee, or by lady guardians. She would not have them interfere in the financial department, or in anything that was the province of men; but women had a right to a voice in the management of these national institutions, as far as concerned the education of children and the sanitary condition of the sick. It could not be expected that learned gentlemen could look to the state of beds and the washing of linen. In these respects the grossest neglect had passed unobserved by an inspector until it was pointed out to him. The domestic management of houses was not left to gentlemen; neither should that of workhouses be left to their supervision. No legislative enactment was needed to accomplish that which she suggested; the present machinery was quite sufficient, with the right people, to allow of educated women co-operating in some way with guardians and matrons.

Dr. STALLARD said it was quite competent for ladies to be elected guardians,

and he had intended nominating Miss Twining for his own union, but unfortunately he did not get the answer of the Poor Law Board as to the legality of such nomination, until two or three days after the time for making it. He did not believe any real improvement would take place in the administration of the Poor Law without a thorough reconstruction of the Poor Law Board, because the head of it left his office too frequently, and always on a change of ministry. As 70 per cent. of paupers were sick and infirm, and required medical attendance rather than material economical relief, it was but fair that the Poor Law Board should have a medical department, especially for out-door pauperism, because the in-door pauperism was recruited so largely from out-door sickness. He had often commended a dispensary system; for the experiment in Ireland was one of the most successful results of legislature; it had destroyed small-pox in that country, and it had considerably reduced fever. In the north of England there was a medical man whose salary was 50*l.* a year, and who had charge of a district of 30,000 acres, extending in some directions fifteen miles from his own residence. It was utterly impossible for him to visit the sick regularly; he was obliged to leave notices where he could be seen on certain days of the week; and one notice was to the effect that he could be seen at seven o'clock in the morning on one day of the week, in a certain train, in the third class carriage next to the engine. It was an order of the Poor Law Board that no medical officer's district should exceed 15,000 acres. He did not agree with the suggestion that the administration of the Poor Law should be transferred entirely to paid officers; improvement must be looked for in the importation of voluntary personal effort on the part of Christian people.

After Colonel GRANT had read his paper,

Mr. E. S. ROBINSON cordially concurred in the condemnation of almsgiving, and remarking that it seemed hard to send a man to prison the first time he was taken up for begging, he complained that the Bristol police did not bring before the magistrates men who were in the habit of begging. The professional beggars, however, were so clever and wily that they could seldom be laid hold of, even by policemen in plain clothes; and unless private persons would sometimes take the trouble to bring them before the magistrates there was little chance of their conviction. In Bristol tramps were now practically brought under the control of the police. The watch committee had deputed an officer to attend at the station and take the applications of tramps for relief, and the result is a reduction of 50 per cent.; this was due to the fact that professional tramps dread going to the police station, because they are tolerably well-known there. He must find fault with the Bath guardians in common with those of some other unions. It was harsh and cruel to compel the wayfarer, whatever his character might be, to walk three or four miles at the close of the day for a night's lodging. If there were a house of labour in the city, that hardship would be avoided, and many good results would be obtained. The remarks in his paper were limited in their application almost exclusively to country districts. He was glad to hear of the reduction of pauperism; but that reduction was no reason for abating efforts to eradicate it.

Dr. STALLARD said the last paper contained statistics which ought to be brought under the notice of the Poor Law Board; and this fact stood out in relief, that, out of 550 persons who applied for a night's lodgings, no fewer than 239 were willing to walk two miles up hill, for wretched accommodation and food worth 1½*d.*, followed by three hours' stone-breaking. This showed that no want of washing, bathing, and labour, coupled with common food, would prevent people accepting this wretched pittance, and that the disorder to be treated was really one of habit, which was uneradicable so long as people were permitted to tramp from place to place. In Paris an average of 6000 beggars are taken up in the year. They are taken before a police magistrate, and if their excuse be that they are destitute and have neither home nor food, inquiry is made, and if it be found that they are destitute and have no domicile, they are sent to the *Maison de Repression*. There they are set to work, the work being of various kinds, and for the most part, such as a person can learn to do in a day or two. They make listing, slippers, and iron chains, and cut wood; and among 600 persons he saw only three who were picking oakum. Women are set to washing and needlework, according to their ability. The money earned is divided into four parts, of which two go to the

State, one is given to the person earning it, with liberty to spend it at a canteen in tobacco, wine, or candles, and the remaining fourth is given to the person when he leaves the house. But he cannot do that without the authority of the prefect, which is only given either when relatives, friends, and charitable persons undertake that he shall not beg any more, or when he has earned enough to maintain himself for two or three weeks, during which time he has a chance of looking for employment. The police had been tried in London, and they checked vagrancy for a time, but tramps soon feared the police as little as anyone else, because they knew they were entitled by law to a night's food and lodging, which the police had no power to deny to a destitute person. Discrimination was impossible, and the only way of dealing with the evil was that adopted in Paris.

After the reading of the other papers—

Sir BALDWIN LEIGHTON, Bart., said the Poor Law might require different administration, but it did not want much alteration. It was quite impossible that either tradesmen or farmers, having their own business to attend to, could, as guardians pay much attention to the administration of the Poor Law. It was not the province of the Poor Law to set people up in trade; and in one union cottages belonging to the overseers were found to be the most disgraceful in the union. "Once a pauper always a pauper" was not true; for in the course of forty years not one who had been educated in the school of his union had returned to the workhouse. If a workhouse was well conducted it did not increase pauperism. He remembered two troublesome paupers under the old Poor Law; one had been robbed of 10*l.*, and another, a woman, brought him between 3*l.* and 4*l.* to take care of. These cases showed that by strict administration, you could do much to make the poor help themselves. Out-door relief could not be done away with, because the poor would not go into the workhouses. There ought to be uniformity of administration. It was an advantage that the poor felt the pressure of the poor-rates, because it induced them to tell the relieving officers about neighbours who obtained relief improperly. In his union there was very little separation of married couples; and in many London workhouses married people lived together. [Dr. STALLARD: They object to live together; they say they have had enough of each other.] Pauperism was not on the increase, except in London, and the pressure of the poor rate decreased with increasing riches. He had been in many of the London unions this year, and was surprised by their liberality; and he was glad to contradict the statements as to the niggardliness of the London guardians. None but guardians knew how difficult it was to administer relief and to check imposition.

Mr. BARTON DELL (Bristol) said if it were not for almsgiving, the greater part of the vagrancy and mendicancy of the country would at once collapse. He advised all to deny relief, without investigation, and urged a dissemination of a knowledge of the evils of mendicancy.

The Rev. F. WICKSTEED (Taunton) said that when a person pleaded absolute hunger, he might speak truly, and he had therefore made it a rule to give all applicants a crust of bread. But there was now perhaps one applicant a month, whereas, when he gave coppers, he had five or six a day.

Dr. STALLARD said the moral of Sir Baldwin Leighton's remarks was that where, in a sparsely populated district, you had a good administration at the head of the guardians, and could impart a certain amount of personal interest into the administration, you could practically do all that was required; you could reduce the expenditure, and lessen the amount of pauperism.

A GENTLEMAN said that not long ago he was called upon to inspect a workhouse, which in dampness, want of ventilation, and uncleanness was almost beyond description, and yet all the inspector who went through it a few days before, said was, "This house is not a pleasant place to visit." In a room containing twelve beds, and occupied by twenty-five persons, a corpse was allowed to remain three days.

Mr. HANCOCK had little doubt that that was a female ward. At all events the statement of the fact strengthened what had been said by Miss Twining. Internally the workhouse matron was supreme, and no one had sufficient control over her. He recommended the adoption of a resolution pressing Miss Twining's suggestions on the attention of the Council of the Association.

The Rev. S. A. STEINTHAL said he had drafted a resolution to that effect.

Dr. STALLARD wished to recommend the appointment of six technically qualified inspectors. That was the recommendation of the committee of the House of Lords, and of the Association for Improving the Condition of the Sick, long ago. It was the more necessary to repeat the recommendation now because not a single medical inspector had yet been appointed.

Mr. E. S. ROBINSON said this was a matter distinct from the suggestion of Miss Twining. Was it implied that women were to be paid?

The Rev. S. A. STEINTHAL did not see why a highly educated woman should not be paid for her services.

Sir BALDWIN LEIGHTON urged that any lady inspector must be subordinate to the board.

Colonel GRANT said that ladies amenable to no authority would do harm.

The CHAIRMAN (Mr. S. Morley, M.P.) thought that Christian women should be invited to interest themselves in the condition of the poor. He would advise the Secretary to pass the resolution in a general form, without conditions. By educated women was not meant a class who would not need to be looked over by the guardians, but who would move difficulties out of the way, which guardians could not reach. He was satisfied by experience that the sufferings of the poor of London were not reached by the Poor Law, and that the most popular man in a parish was the relieving officer who kept down the rates. Before the Reformation, the Church took charge of the poor, and we had no Poor Law. At the Reformation, we handed the whole thing over to law, and for sympathy substituted poor rates. What we had now to do was to devise a mode by which Christian people in every parish, of all sects and classes, should form themselves into committees to ensure the thorough visitation of the poor, as was done at Elberfeld, in Germany, and at New York. The former town was mapped out into moderate sized divisions, and there was a committee in each, which took charge of its poor. In this way many persons were assisted to obtain employment, and removed from one part of the town to another. Under such system means might be devised for affording temporary outdoor relief to a class of persons whose last resources would be to go to the workhouse, and who might be temporarily so circumstanced as to need help for a week or two. This should be done under the supervision of a committee of unpaid ratepayers. He could not but think that in any town or village there would be a sufficient number who would readily give services, the result of which would be the judicious relief of a large number of persons who were never touched by the present system. This was a very difficult thing to legislate about, but he believed there never was a time when more persons were ready to co-operate in such an effort if it were not of a class or sectarian character. One effect of the plan suggested would be to draw out various charities. He was a trustee of many, and he did not believe trustees would consent to hand over their funds to guardians; but if committees were engaged in finding out and visiting cases, there were trustees who would gladly hand over sums of money which they had received from the difficulty which the contributors felt in exercising discrimination with reference to the claims of persons who applied to them for help. He had a dread of over legislation, and of aiming to do by law what ought to be done by Christian sympathy and personal co-operation. The union of all classes and intercourse between them would do the rich quite as much good as it would do the poor. This co-operation would prevent persons running about and getting from two or three charities what they ought to get from one, if at all, and it ought to put a stop to indiscriminate charity. He had long ceased to give money in the streets, but perhaps fifty times lately he had said to a beggar, "If you will go with me to a baker's shop I will give you a good piece of bread," an offer which had often been refused with abuse.

After some conversation, the following resolution was moved by Mr. HANCOCK, and seconded by Mr. E. S. ROBINSON:—

"That the Department recommends for the consideration of the Council the propriety of urging upon the authorities the employment of educated women in the inspection of workhouses and hospitals as being absolutely needful for the proper and efficient management of such institutions."

The resolution was carried.

Dr. STALLARD then moved—

“That it be suggested to the Council that there is an absolute necessity, for the due relief of poverty, that there should be a charitable committee acting in conjunction with the Board of Guardians, and that a system of house-to-house visitation should form an essential part of poor relief.”

Mr. ALSAGER HILL seconded the motion, which was put and carried.

EMIGRATION.*

Is it desirable that State Aid should be given to Emigration; and, if so, in what form? By R. R. TORRENS, M.P.

THE question of emigration has recently been under consideration at the fortnightly meetings of this Association, but mainly if not exclusively as a means of relieving the annually increasing burden of the poor rate. I, however, take a somewhat broader view, regarding it as the appropriate and effectual means of improving the moral, intellectual, and physical condition of the working classes, but especially of those employed in agriculture.

Selecting for illustration the condition of the agricultural labourer in the county of Devon, it may be said, as a general rule, that wherever there is employment for two there are three competing for it, and by this competition wages have been kept at a rate which barely suffices to supply the food, clothing, and lodging essential to sustain a single man in health and vigour. In the case of the married labourer, therefore, the allowance of food must be curtailed in order that the wife and family may not go naked or starve. Lassitude and depression induced by insufficient sustenance create craving for ardent spirits to arouse the system, or for the drugged beer of the pot-house to stupify and deaden the consciousness of suffering.

The conditions of such an existence are incompatible with moral or intellectual culture, and the labour of a man, thus enfeebled in body and almost brutalised in mind, is dear even at the paltry wages paid for it. Disease and premature decay following from the same causes incapacitate for labour at a comparatively early period of life, and the workman, having never been in a position to lay by any provision for old age or infirmity, becomes chargeable on the parish.

This is no exaggerated statement, but the ordinary history of the agricultural labourer in the county I have named, and the origin of all this suffering and degradation is traced to its source in the competition consequent on insufficient employment. Until this be removed all other means of relief are unavailing. It is vain to offer food for the mind to one whose whole attention is absorbed

* See *Transactions*, 1867, p. 576; 1868, p. 628.

by the cravings of an empty stomach. It is difficult to impart more culture to a people subjected to the brutalising influences of hopeless poverty. In the spirit of true philanthropy guided by economic science, we should abandon the vain attempt to effect a cure by alleviating the symptoms, and, by devoting all our energies and resources to the adjustment of the balance between labour and employment, eradicate the disease.

The deficiency of employment cannot be attributed to any lack of capital in this country; on the contrary, a superabundant capital awaits investment, either in manufacturing industry or in agriculture, if only increased markets for the productions of the one or an enlarged area for employment in the other can be pointed out. By emigration, judiciously conducted on a liberal scale, we may create those markets and expand the labour field.

The Malthusian doctrine, could it become practically operative, might, in the course of a generation or two, bring about the required adjustment between labour and employment; but as this cold, repulsive doctrine ignores two very potent and very constant elements of the case—human passions and human sympathies—it must remain a philosophic theory, applicable possibly to some sublimated condition of humanity, but not to that of our agricultural labourers.

Fortunately, another philosophy which is certainly no less sound, whilst it has the recommendation of being entirely congenial to the real conditions of humanity, has been conveyed to us in the double precept, “Be fruitful and multiply, and replenish the earth.” By observing the former whilst neglecting the latter portion of this precept our present difficulty has been brought about, and the obvious remedy is to address ourselves earnestly to the fulfilment of that portion of the command which hitherto has been comparatively neglected. The question is thus narrowed down to the consideration—How best may this be accomplished?

Sir Charles Trevelyan has recently published in the *Pall Mall Gazette* some very able letters on this question, in which he points out that of the three parties to emigration—the Emigrant, the Mother Country, and the Colonies—the latter are at least as much interested as either of the others, as their prosperity and progress are absolutely dependent on keeping up a continuous supply of labourers to take the places of those who, under the favourable conditions afforded in new countries, so rapidly pass from the class of hired labourers to that of employers; and on that ground he suggests that it behoves the colonial governments to make arrangements for the emigration of considerable numbers of our southern peasantry.

After the experience of nearly a quarter of a century of colonial life, I can fully and emphatically endorse the views put forward by Sir Charles on this point, and I only wish that I could hold out any reasonable expectation of their being extensively acted upon, but this I am unable to do.

The Government of the Dominion of Canada, not without a fair show of reason, declines to incur expense in promoting this object, on the ground that their money would be availed, by emigrants, *en route* to the United States.

Throughout Australia, prior to 1857, the Wakefield system was more or less in operation. Under that system the vast area of waste lands in the colonies was recognised as the property, not of the handful of emigrants who had settled there, but of the inhabitants of the United Kingdom, and upon sale the proceeds were held applicable to emigration. That which was previously useless and unsaleable was thus made to yield a fund sufficient for generations to come to relieve the mother country of any surplus population, whilst it at the same time supplied to the colonists the hired labour, without which their purchased lands, whatever might be their natural fertility, would be absolutely valueless.

I avail myself of this opportunity to contradict in the most explicit manner a statement put forward in a paper read at a meeting of this Association by Mr. Thomas Briggs, as follows—“This plan (the Wakefield system) has had the most baneful effects upon first, the manhood; secondly, the material wealth; and thirdly, the moral fame and prestige of the British name throughout the civilised world, and has caused our colonies to remain a perpetual blank on the map of the world.” In each and every particular the statement which I have just read is distinctly and emphatically contradicted by facts. So far from causing our colonial lands to remain a perpetual blank, the effect of the Wakefield system in South Australia, a colony founded expressly to test its principles, was to convert an uninhabited wilderness into a highly productive agricultural country, through which the traveller may ride for hundreds of miles over good macadamised roads between well fenced corn fields, the cultivators of which are, in nine cases out of ten, also the proprietors, well contented with that system which had, in the first instance, afforded them, as labouring emigrants, a free passage to a land where high wages reward a fair day's work, and eventually, when after a few years of industry they had risen to the position of farming proprietors, supplied them with the indispensable requisite, hired labour.

In an evil hour for the Mother Country, no less than for the Colonies, the authorities in Downing Street conceived the idea of bestowing upon those small communities the vast estate of the people of Great Britain, establishing in them at the same time a form of constitution the most purely democratic which the world has ever known. An immediate consequence of throwing the entire power of the State, including the control of the land revenue into the hands of the working classes, was the abandonment of the Wakefield system, on the plea that it was as unjust to expend the proceeds of the public lands in importing labour to compete with the colonial workmen, as it would be to employ the same funds in importing merchandise to compete with the colonial traders.

Since that time a meagre and inadequate sum has been grudgingly conceded for emigration purposes by the legislative assemblies. The result of this altered policy has been to arrest the previously rapid advance of those communities in population and material wealth, and, as has been stated by Sir Charles Dilke, in his "Greater Britain," they are now in a comparatively languishing condition.

Such circumstances afford little ground for the hope expressed by Sir Charles Trevelyan, that the colonies will contribute any sum such as might have an appreciable effect in relieving the labour-market of this country. Whatever funds they may contribute will be restricted exclusively to the emigration of young persons under thirty, and unencumbered with families; whereas, the class which taxpayers are interested in removing are married couples in middle life, still capable of efficient labour, but encumbered with families which they cannot maintain upon the low wages with uncertain employment afforded in the mother country, and who are rapidly gliding down the incline, at foot of which the inevitable workhouse yawns to receive them. The colonies, although they not unreasonably restrict the expenditure of colonial funds to the importation of first-class labour, would be willing enough to receive, at the cost of the mother country, emigrant families such as I have described, and the higher rate of wages, with cheap and abundant food attainable in those countries, would enable the parents to maintain their children in comfort and independence until they became of an age to work for themselves.

The removal to Australia of such a family as I have referred to, say a father and mother over forty, and four children under ten, would involve an outlay of 50*l.*, the emigration of a similar family to Canada would cost 20*l.* The mean 35*l.*, would involve an annual charge of 35*s.* for interest and sinking fund, at which price I imagine no Board of Guardians would be deemed extravagant in purchasing for the parish they represent immunity from the more than probable contingency of the family becoming chargeable on the rates; and should the suggestion hereinafter made (that the local rate should be supplemented by a grant from the Consolidated Fund), be adopted, the cost to the parish would be reduced to the insignificant sum of 17*s.* 6*d.* annually for each such family.

If, then, effectual relief is to be given, we must look at home for the necessary funds, and the more the condition of the working classes is considered, the more a knowledge of the causes which have reduced them to that condition, is attained, the more will the conviction be forced upon us that emigration is the appropriate and efficacious remedy, and that the application to that object of public funds, whether derived from local rates or from general taxation, is legitimate and salutary.

As we have submitted to a large expenditure in blood and money in the attempt to force the Chinese and Japanese to open their ports for the reception of our manufactures, it may be worth while to

consider whether, after all, we might not for the same money, and without expending the lives of our sailors or soldiers, have created an equal demand for our produce by removing portions of our inadequately employed labourers to colonies in which they would immediately have become consumers.

For instance, as the trade returns show that the inhabitants of Australia and New Zealand consume British manufactures at the rate of 8*l.* to 10*l.* per head of the European population, it may not be extravagant to assume that ten such families as I have described would, if transplanted to those colonies, give employment to one head of a family remaining at home; and thus the beneficial action of emigration is, twofold—immediate, in reducing competition for employment, and ultimate, in increasing the amount of employment in the parent state.

I will not extend the limits of this paper by dwelling upon what is already sufficiently evidenced and generally admitted, that to the emigrant the change would be great gain, but will content myself with stating as the result of twenty-four years' experience, that the Australian colonies offer to the agricultural labourer, on condition that he abstains from intoxicating drinks, and is reasonably prudent, a certainty that within five years he may, if he desires it, take the position of a yeoman cultivating his own farm.

Of the objections usually urged against emigration two only appear to me to require special notice. The plea most relied upon seems to be "that emigration drains the country of its strength, its best producers—for it is the young, the vigorous, the enterprising, who go, leaving the aged, the feeble, and the apathetic to burden the ratepayers of this country. I would reply—1st. That the young, the vigorous, the enterprising, are a source of strength and of wealth only in the proportion in which the country afford means of employment, and when their number exceeds that limit they become a burden, if not a source of danger; and, 2ndly—That the emigration at present going on, either voluntary or with the aid of colonial funds, cannot be stayed or checked, and is almost exclusively of that valued class of vigorous youth, whereas the emigration which I advocate, in the interest and at the cost of the mother country, would be almost exclusively of middle aged parents with their children.

Again, farmers, and occasionally other employers, object that emigration, by reducing competition, will occasion a rise in the rate of wages, and necessarily diminish rent and profits. To this the answer is that a high rate of wages does not necessarily imply dear labour or increased cost of production; on the contrary, experience has proved that the labour of the well-fed, well clothed, well-housed, and instructed workmen in our northern counties, and in Australia, is cheaper at 20*s.* to 30*s.* per week than that of the under-fed, ill-clad, badly-housed, and uninstructed labourer, in Devonshire, and in the south and west of Ireland at 9*s.* to 10*s.* per week. I would ask those objectors whether they have not found it pay to keep their

horses in good condition, corn-fed and comfortably stabled, and if so I would suggest that, were they to extend to their human labourers the same careful consideration which they bestow upon their brutes, they might after all find it economical to employ meat-fed, well-clad, and comfortably-housed farm servants, even at 20s. per week.

In fine, the considerations that the kingdom at large is interested in the solution of this question, and that this interest is intensified in certain over-peopled districts, lead to the conclusion that the proper answer to the proposition under consideration is : (1st.) That emigration on an extended scale would induce most advantageous results, especially to the working classes. (2nd.) That a system of local rating, supplemented by subsidies in aid from the consolidated revenues, would best meet the justice of the case, whilst those subsidies would operate as powerful stimulants to action in the more distressed districts.

The House of Commons, at the instigation of the Postmaster General, recently voted 7,000,000*l.*, for increasing our facilities for telegraphic communication. Is it very unreasonable to assume that they might be induced to place one-seventh of that sum at the disposal of Mr. Goschen for the purpose of improving the condition of the working classes, and arresting the rapid increase in the poor's rate? I believe not, and that 1,000,000*l.* from the consolidated revenue, supplemented by a like sum levied in the form of an emigration rate on the over-peopled districts, would suffice for the removal of 57,142 families, which being in augmentation of the ordinary emigration would, in a very few years, adjust the balance between labour and employment.

On the Same. By REV. BROOKE LAMBERT.

THIS paper answers the first part of this question in the negative; and, therefore, it does not fall within its province to take any notice of the second part. In answering the first part in the negative, I assume that those who answer it in the affirmative give the usual reason, the only English reason, that we should thereby reduce pauperism. Should I be favoured with the presence of any of our colonists, I trust that in my answer to the English reason, I shall show cause why the colonists themselves should not wish for immigrants, except under conditions almost apart from state aid.

It is commonly supposed that England is over-populated, and the labour market in England overstocked. If you ask those who make these statements, on what they ground their belief, they will tell you that the great increase of pauperism in this country is a direct result of the former, and that the number of men out of work is an absolute proof of the latter statement. Their remedy for this state of things is therefore emigration. Emigrate—I use the verb in an active sense, emigrate—send the people out of the country.

and so reduce the surplus population; emigrate, and so relieve the labour market of the enormous pressure.

But first let us ask whether there has been so great an increase in pauperism. If we compare the figures year by year, we should arrive at the conclusion that during the last ten years pauperism had increased about 17 per cent., though I believe the increase to be almost entirely metropolitan. But now, if we turn to the Poor Law Tables (Twenty-first Annual Report, p. 12) we find that when the increase of population is compared with the increase of paupers, a very different result is shown.

Year.	Population.	Total relieved.	Per cent. on Population.	
1849	17,534,000	1,088,659	6.2	Irish Famine (1850 = 5.7 52 = 5.3 52 = 5.0).
1854	18,617,000	864,617	4.6	
1858	19,444,000	908,886	4.7	
1860	19,837,000	844,633	4.3	
1863	20,445,000	1,079,382	5.3	Lancashire Famine.
1869	21,760,000	1,018,140	4.7	The remaining years range between 4.8 and 4.4.

These are the highest and lowest figures in the last twenty years; and it is to be observed that, though the decrease in 1869 amounts to 1.5, when compared with 1849, the increase has never brought the numbers up to those of the highest year (1849), and this though wheat was then 9s. a quarter cheaper, whilst it was 14s. a quarter cheaper in the lowest year (1860). If we go back to the year in which the percentage was exactly the same, we find it to have been the year 1858, when wheat was 4s. 6d. a quarter cheaper. So that, if we attribute the large amount of pauperism in 1849 to the Irish famine, that in 1863 to the Lancashire famine, and that in 1869 to the panic of 1866 (for the effects on the national system of such shocks do not show themselves at once), we shall find that, though, if the experience of merchants be relied on, there never has been so slack a time as the present in all classes of commerce, the effect is much less easy to be distinguished when tested by the increase of pauperism.

But, if it is not shown by figures that pauperism has increased, it may still be that it is a condition of such an island as ours, where certainly we seem at first sight to be nearing the limit of population, whether as tested by space or power of production. Let us, however, look across the water, and see whether this evil of pauperism is unknown in those countries to which we are sending emigrants, with the benevolent hope that we shall relieve ourselves of pauperism. I take the state of Massachusetts in America, and the colonies of Victoria, South Australia, and New South Wales. I have had no particular reason for making this selection. The

returns of Massachusetts came into my hands, and I thought it would give a fair average view of the question. Of some statistics with reference to New South Wales I had heard; and I wished to see whether the same state of things existed in neighbouring colonies.

I take first Massachusetts, where every effort is made to reclaim, as well as to relieve, those who have fallen into a condition needing state aid. The reports of the Commissioners of Alien Passengers and Foreign Paupers read just like our own reports. For instance, the report of 1858 says, "These institutions are becoming filled to repletion, and the expenses are increasing frightfully" (p. 66). In the same report there is abundant evidence, not only that a large and increasing pauper class exists, but that they are not delivered from that infamous pest the vagrants (called euphoniously Transient Paupers), "who lodge and breakfast at the state expense, and then go their way" (p. 21). For the year ending October 1, 1858, there were 2300 admissions at Monson, of whom 1230 were from Monson and Palmer, nearly all being of this class of vagrants. And that these are exactly of the same predatory class of paupers as ours, may be shown by these remarks—"Parties have been found in our almshouses, with deeds of real estate, and ready money in their pockets. On March 24th, a female drew fifty dollars from a certain savings' bank, and on the 25th was sent to Tewksbury as a state pauper. The money was remitted to Europe for the benefit of the 'pauper's' mother. Some months afterwards the discovery was made by the committee; and the pauper, by her own desire, was despatched to enjoy her mother's society, and her own earnings."

And now let us see to what extent pauperism of the same type as that in England exists. I quote from "The Fourth Annual Report of the Board of State Charities, of Massachusetts," October, 1867, p. 130. "If we take the present population of Massachusetts as 1,300,000 (which is little enough)* we find that about one in every 130 of that number has been fully supported as pauper the past year, the average number thus supported being about 6250, or one in every 208 of the population. Of this average number, about 4000 are supported by the towns and cities, and about 2250 by the state. The number relieved and partially supported, including about 1400 persons, for whom the state has made or will make reimbursement, is about 23,000, or one in every 56 of the population. The number of vagrants I estimate this year as 20,000 (whole number, including duplicates, 40,000 and upwards); but since most of these would probably not be included in census returns, let us take 7000 as the number of that class properly belonging to Massachusetts. This would be one in every 185 of the whole population; and the whole number supported and relieved would become 40,000, or one in every 32 of the population."

* Since the population of Massachusetts in the last return I have found was, 1860, 1,231,066, I should think this was a very low estimate.

And this is the condition of a country where pauperism, is met, not haphazard, but by an excellent system, reformatory as well as charitable, state almshouses, and workhouses; in a country where the immigration agent is responsible for the removal or support of those who become chargeable to the state within a year, and where a large sum of money is spent annually in removing paupers beyond the sea.

Let us turn to Victoria. I take the Registrar-General's return for Victoria, 1867.

VICTORIA, 1865.

Population (p. 47) 1st Jan. 1865	...	...	...	605,501
Increase of Births over Deaths	...	...	...	15,454
By excess of Immigration over Emigration	...	...	...	5,684
Population on 31st Dec. 1865	...	...	...	626,639
Increase	...	...	...	21,138

In Victoria there are many institutions for the support of those in distress, and they may be divided into charitable institutions, benevolent institutions, hospitals, and orphan asylums. I have taken no account of orphan asylums, and the only use I have made of the hospitals is to deduct all cases of disease returned in them—

(P. 99) Charitable Institutions.	Total relieved	...	37,340
(P. 197) " " "	Total diseases	...	10,169
Or 6,000 more than the increased population of the colony.			
(P. 100) Benevolent Institutions.	Total relieved	...	40,996
(P. 200) " " "	Total diseases and deaths	...	39,121
The gross total would therefore amount to			66,292

But of 40,996, there are, belonging to the Immigrants' Home, 16,375. Now of total immigrants (p. 3) 30,976, there were from—

United Kingdom	...	10,862
Foreign Parts	...	1,709
Neighbouring Colonies	...	18,405
		30,976

i.e. 12,571 foreigners, 18,405 from neighbouring colonies.

So that two out of every three immigrants have been in the colony for some time. The colonists fairly belonging to the Immigrants' Home will be (in total 16,375) 9825, whilst those fairly chargeable to England will be 6550.

And deducting from	40,996
	6,550
	34,446
Total diseases and deaths	1,875
	32,571

Charitable Institutions	27,171
Benevolent Institutions	32,571
Our corrected total becomes	59,742

And let no one fancy that the figures have been pushed to their farthest bearing ; one total calculated here as 2059, is stated in a foot note (p. 100) to be heads of families representing 7813 persons. So that the number per cent. is at least 9·5, as compared with our English return of (but we shall have to make deduction) 4·7.

The expenditure on charitable institutions is 115,694*l.* 14*s.* 9*d.* (p. 102), or at the rate of 3*s.* 8½*d.* per head on the whole population. Of this 70,365*l.* 3*s.* 10*d.* is paid by government, 32,302*l.* by private individuals, and 13,027*l.* 10*s.* 11*d.* is contributed from other sources.

SOUTH AUSTRALIA.

Let us turn to South Australia. And here I shall desert my own statistics, lest it should be said that I, a stranger, am dealing with statistics of which I know nothing, and take some figures copied from the *Sydney Herald*, of December 25, 1868. They occur in a paper by Mr. Roberts, read to the Royal Society of Sydney. "The total population of New South Wales is 447,620. The number of persons in all institutions is 4076, or one in every 110 people, and if those wholly dependent on government are taken, one in every 176."

"In 1867, 121 women were accouched in the Benevolent Asylum (seventy-seven unmarried). The children in benevolent asylums equal one in 353 of the population. The increase in the number of children was so great, that ninety-three were transferred from Sydney to Renswick."

After narrating the steps taken to put relief under a national Poor Law system, and showing how the buildings had to be increased, he says—"The daily average was, in 1863, 624 ; in 1868 it was 1041, an increase of 417 in four and a half years."

"In 1865 the total expenditure for Poor Law relief in England and Wales was 6,264,961*l.*, or at the rate of 6*s.* per head of the whole population. In Sydney, the total expenditure in 1867 was 88,139*l.*, or at the rate of 3*s.* 11½*d.* per head of the whole population."

"The difference between the two expenditures is, that in New South Wales it includes the government subscription to charities, and does not include relief to able-bodied paupers."

"The mean number of all classes of paupers in England receiving in-door relief at one time was, at Lady-day, 1865, 111,494, or one in 187."

"The paupers in New South Wales, calculated by the number of inmates in benevolent asylums, destitute children's asylums, and other schools were, on December 31, 1867, 2538, or one in 176."

NEW SOUTH WALES.

New South Wales has a population of 172,860 (Report, 1867, p. 1). The return of destitute poor is as follows (p. 6):—

In-door.				Out-door.				Total.
Males	...	...	170	Males	...	...	735	
Females	...	...	107	Females	...	...	923	
			277				1658	1,935

About 1 in every 60.

This, be it remembered, is exclusive of all hospital relief which was administered to 1176 persons, with a daily average of 152, and of all lunatic asylums in which there were 287 patients, 262 of whom were admitted without fee, and 25 with fee. The expenditure on destitute poor has increased in this colony more than 4000% a year during the last three years, while the population has increased (p. xiv.), since 1862 only 37·53%, and the acreage under cultivation, near 100 (92) per cent. The population *i.e.*, has increased 27·7 per cent., the expenditure on paupers has increased 111 per cent., and yet the whole cultivated land has increased nearly 100 per cent. The total expenditure on charity being 17,260*l.* 0*s.* 3*d.*, the rate per head on the population is 3*s.* 1½*d.*

Now, there are undoubtedly qualifying circumstances in connection with these statistics. In comparing the colonial charities with English expenditure on pauperism, we must remember that the whole expenditure on charity is given in the colonies, whilst in England much is done by private hospitals and charities, whose returns are not included in our Poor Law statistics. We must remember, further, that in our colonies we have most selfishly planted a population of convicts, whose children, so closely is pauperism connected with crime, no doubt, like themselves, come on public charity. Nor are we to forget that colonists are migratory, and often make a forced march, leaving behind their baggage (*impedimentis relictis*, as Cæsar used to say), their wives, and children.

But, when you have taken all these facts into consideration, and made corresponding reduction in these very alarming figures, I submit that you have proof of a very terrible state of things. For, against the qualifying circumstances are to be weighed the fact, that emigration as well as immigration takes place in America and in the colonies, large sums of money being sometimes spent on this. The American Commissioners of State Paupers, in Boston, say, "So far from enforcing removals beyond the sea, the committee have not granted a passage to one-third of the applicants. The office has been thronged with paupers, who, with tears and piteous entreaties, have begged for conveyance to their native land, but were refused as not coming within the rules specified." If this be

so we must write off a large number whose friends have sent for them to England, or who have returned there before their last shilling was spent, and must remember that our figures represent the residuc left, after private and public efforts have done their work. And then, against all the facts which qualify the statistics, must be set the one great fact that this pauperism occurs in a land where wages are at least as large as in England, where food is much cheaper, and where land is unlimited. If these statistics are true, if such a condition obtains in lands where there is a constant cry for more labour, where no such overcrowding, as on hypothesis, has produced pauperism, in England exists, and in countries where no Atlantic or Pacific Ocean rolls between the pauper and unlimited space, surely they witness to the fact that it is hardly worth while to send out of the country by state aid those of our people who are almost paupers here; surely the colonists can hardly desire that we should send these.

Celum non animum mutant qui trans mare currunt—Heaven preserve our colonies from that rapidly spreading epidemic of contagious pauperism.

But it is further commonly supposed that our land has nearly reached the limit of production. Now, with regard to the land already under cultivation, it is a mistake to suppose that we have by any means reached this limit. "In East Flanders," says Mons. Lavaleye, (quoted by Mr. W. L. Newman 'Questions for a Reformed Parliament, p. 113,') "each farmer having rather less than two-and-a-half acres to till, manages to support pretty nearly as many souls as the English farmer with seven-and-a-half acres;" and this, not in consequence of any natural fertility of soil, for, says Mons. Lavaleye, "England has its fine pastures, which feed without expense, innumerable flocks, but in Flanders we find a natural sterility which can only be overcome by the use of an enormous quantity of manure." I am by no means prepared to preach a revolution in the land laws of the country. But it is well to bear in mind this result of small holdings and peasant proprietorship, and to remember, that whilst it is commonly supposed that large farms only will pay, it seems that if we were to go to the opposite extreme, and make farms as small as gardens, they might with educated, not Irish, proprietors pay much better. An immense amount of land is not under cultivation—to what extent I have been unable to form any estimate. But any one who travels about England with his eyes open must be convinced, that a very large proportion of land is not under cultivation, either because it is called waste, or because it suits the owner to keep it for purposes of sport or pleasure out of tillage. Of the waste land, it may be true to say that it will not repay a large out-lay of capital; but many of you will have observed how the expenditure of a very small capital of labour brings these waste bits into cultivation wherever they are near houses; the encroachments on commons add ultimately very largely to the revenue of the lord of the manor. With respect to

the other class of property, which is kept out of production because it suits the owner better to use it in some other way, it is very clear that in our insular condition, should a long war, for instance, keep us from importing, it might very soon be found necessary to make it productive. These considerations may very considerably modify the common view that our land has reached the limit of production, and raise the question which I will not here discuss, whether a large amount of land is not remaining unproductive, because of a tenure of land, inconsistent with our insular condition, a tenure whereby the good of the many is sacrificed to the pleasure of the few.

But whilst I make these suggestions in connection with the common notion that England is over populated, I must be allowed to add a few remarks with respect to the overstocking of the labour market. The labour market is said to be glutted. Why? Because there are so many people out of employment. Now there are two classes of men who are without work. There are, first, those who will not work because they do not choose to work. There are, secondly, those who do not work because people do not choose to employ them. There has been for many years past a large class of workmen out of employ on account of strikes, and those who have engaged in these strikes have it commonly laid to their charge that they are refusing to work at wages which would keep them from starvation, and are thereby forcing capital to find employment in other countries. Now with regard to these men, it is only a class feeling which prevents us from recognising in them a spirit worthy of martyrs, which moves them to resist temptation, and to remain idle rather than hinder the cause which they have at heart. They have of course made mistakes. People who are enthusiastic about anything commonly do make mistakes, and allow their energy to carry them too far; but if a few skilled labourers are out of employ because they will not work, that hardly proves that the labour market is glutted. And it is very much to be doubted, whether the statement that capital is leaving the country be true. It is very much to be questioned, whether, as in the case of the cotton famine, the crash is due wholly to the cause alleged, and is not rather to be attributed to over-production. At any rate, when want of confidence is restored, a country with a capital accumulating at a rate of 150,000,000*l.* per annum is not likely to allow its labour to be diverted to other countries. There may yet be developments of the small profit, and quick return system, of which we at present little dream.

But as to the second class, there are very large numbers of people who do not work because people don't choose to employ them. Let us take the analogy of domestic service to throw light on this. I suppose, that if you count in the advertisement columns, the "want places" against the "servants wanted," you would not find the number of the one largely to exceed that of the other. You will always find a large number of servants out of place, and a large number of householders wanting servants. But

servants are out of place, not because there are no places for them, but because householders do not choose to employ, except for a short time, servants who are not worth their money. If you had formed the conclusion that the domestic servant market was glutted, from the fact that so many servants were out of place, would not a little inquiry convince you that housekeepers would pay almost any reasonable sum for trustworthy servants? And this I believe to be the case in respect of the labour market generally; there is an overplus of labour, but there is a deficiency of good labour. One may generalise too much on a few instances, but, living as I do, in one of the most pauper-stricken parts of London, I state it as my deliberate conviction, that in my parish of 11,500 (among which there are few skilled artisans), I have very few men out of work because there is no work. The greater number of those out of work are those who have thrown away many chances in life, and who will throw away many more so long as they retain their love of drink and laziness. So far I had written when I came upon a letter of Mr. Carleton Tuffnell, in the Poor Law Board report (p. 89.) He says:—"It may appear incredible that a great demand for labour can exist simultaneously with a multitude of people seeking employment and unable to find it. The real demand is not simply for labour, but trained labour, efficient labour, intelligent labour."

Let me not be supposed to be publishing or repeating a libel on the working class. I believe the educated, the properly called working class, is not in want of work. Whenever I state this, I am met with the enquiry, How about Poplar, and Woolwich, and Lancashire? I reply, these are cases of local congestion—but to meet them we do not want Government to spend money on emigration of men utterly unfit to do agricultural work, but whilst applying such exceptional remedies as the case may require, to institute or promote a general system of registration, whereby men might learn where labour was wanted. If some such plan was in force, a great deal of valuable labour, which is by emigration for ever lost to the country, might be kept in it, to add by its produce to the wealth of the land. It seems a suicidal policy to throw away your money because you have no means of using it, and that good labour is money I suppose no one in this section will deny.

At the root of the cry for emigration lies, however, the desire to get rid of some of our helpless paupers, and if the Poor Law Board had earlier relaxed its restrictions as to contribution towards emigration expenses, a very large number would have been shipped off. If we were deliberately to do this now, an outcry would arise from the colonies against emigration as against transportation. The mass of helpless folk now in the colonies, as shown by the figures above quoted, leads me to believe that when they begin to feel the pressure of taxation there, they will exercise a very vigilant watch over the class introduced; and the American system of making the immigration agent responsible for those who pass through his hands would provide an effectual check.

And as I have assumed throughout that material aid to emigration is asked in order to remedy pauperism, let me beg of you to remember that, in thus striving to remedy pauperism by emigration, you are trying to cut the knot in place of untying it, and are doing a great evil. The problem of pauperism cannot be solved by the formula of emigration. And when the rapid growth of population (for, remember, the snowball is so big that it increases in geometric progression at every turn), has narrowed the available space, our posterity will have to solve the problem we are shirking; but they will have to solve it under much less favourable conditions, for all the while this pauper-plague will have spread with the growth of the population in the new countries, and with the gradually narrowing outlet in the old, and very terribly stern measures will be required to deal with these half-civilised barbarians—half-civilised because they have all the vices of civilisation; only half-civilised because they have not attained to any of its privileges.

But we have been, perhaps, discussing the question too selfishly; we ought to consider not only the good of the community, but the good of the class for whose benefit emigration is intended. If emigration will really benefit the labouring class, then, since the welfare of the community is to be estimated by the greatest good of the greatest number, the State ought to put aside all selfish considerations, and to try whether the supposed difficulties as to the reception of our emigrants in other countries might not be overcome. Now, it is commonly supposed that every man who emigrates is necessarily bettered. The statistics which I have given you may tend to modify this conclusion. If the constant complaint of the Commissioners of State Paupers in America be like our own, of the increasing class of vagrants; if they do not grant one-third of the passages homeward applied for; if, in Australia, of 31,000 emigrants 18,400 come from neighbouring colonies; this shows pretty clearly that all men do not find emigration to be a success. To these facts, I add two cuttings from recent papers. The first from the *Spectator*, September 4th, 1869, from a letter by Mr. Robert Coningsby:—"It should not be forgotten that thousands of good mechanics are unable to find work at their own trades in America. The case of these men is very pitiable, when, after having exhausted the means taken with them from Europe, they are compelled to undertake the roughest descriptions of labour for a living." My next cutting is from the *Toronto Globe*, July 14th, 1869.—"The conduct of some, not many, of the emigrants who have been sent out from England (i.e. from the Woolwich Dockyards) has been discreditable in the last degree. Cases have come to our personal knowledge of mothers of young children being so helplessly drunk before getting into the cars at Quebec, as to be incapable of attending either to themselves or those they had in charge." It goes on to say:—"Money spent in such a way is worse than thrown away, as some of this year's emigrants have made painfully manifest." Thrown away, indeed, for into the future of such as these it is useless to

enquire. And yet these were most carefully selected from a mass of thousands of applicants.

But at any rate some good is done, say the enthusiasts for emigration; leave out of sight these few failures, and remember what a boon you are granting to those who remain at home. They will take the place of those who are gone; the country has at worst got rid of some who were not worth keeping, and others will take their place. I neither believe the failures to be few, nor that the result supposed follows. In unskilled labour this may be so, but in all skilled labour a long period must elapse before a class rises, fit to take the place of those who are gone. As anybody can be a clergyman, and the public generally are perfectly satisfied if a man wears a white tie, I will not take an example of my own as one of the learned professions; but take either of the others—the law, medicine, and the to-be recognised profession, the architect's, and fancy, if you can, how the gap would be filled up, were the principal men of the profession in any large numbers suddenly removed. Skill of hand, as of mind, requires some time for its development.

I say in large numbers, for the whole contention of this paper is against emigration so wholesale as to require state aid; I am not declaiming against emigration which is the result of personal enthusiasm on the part of the emigrant, or the consequence of deliberate choice on the part of the benevolent. I am an advocate for emigration when it is dictated by the desire to change the atmosphere of this conventionality-ridden, propriety-smothered country, for the free action and larger sphere of the new world, but I declaim against the introduction of emigration as a panacea for pauperism, or as an expedient for the supply of an exaggerated want.

I will conclude with a practical suggestion as to the cure of pauperism in connection with emigration. There may be, from time to time, men in the pauper class who show a desire to quit it. If we are ever to reform them, we must provide something better than stone-yard or even wheat-grinding labour. We must give them some intelligent occupation, which will engage the mind as well as the hand; some employment which, being useful, and requiring some exercise of mind, will remind them that they are still men worthy of consideration, and needing an exercise for those faculties which distinguish them from the beasts. The prevailing fear is that by providing such employment, we should interfere with the honest labourer. An idle fear, as it seems to me, for the indirect taxes caused by their depredations on society, and by their claims on private charity—the direct tax, in poor, police, and county rates, all have to be remembered when we speak of interference with labour; these interfere with his net earnings just as much as the mere withdrawal of some labour. But we should at least try and devise an employment which will interfere with honest labour as little as possible. On the foreshores of our rivers, which are government and not private property, there are large tracts of land which might be reclaimed

with comparative ease. Suppose we formed colonies of selected paupers in such places; let them at first be employed only in simple reclamation, and after six months' probation be advanced to the cultivation of land. And when they had shown themselves good labourers, when the demon of pauperism had been exorcised by hard labour, and the taint of pauperism exterminated by honest labour, when the virus of pauperism had been eliminated from their own and their children's blood by fresh air and good exercise, might there not remain a class of emigrants whom it would be an honour to our country to export, and a benefit to our colonies to receive?

Such a scheme might require State aid, and such, or such like, a scheme would, in my mind, be worthy to receive it. But until some such plan is set on foot, let us beware how, in endeavouring to rid our country of a supposed surplus of labour, or a fancied plethora of population, we throw away State-money; and in this misuse of it, saddle on our colonies the burden of that pauperism, which has been a burden that neither we nor they are able to bear.

The Rev. T. H. CLARK, of Clifton, read a paper on the same subject. He said we had abundant proof that the labour market is over-stocked. There have been numerous meetings of the unemployed, and it was stated the other day, at a congress in Birmingham, that a million and a half of working men were in a state of compulsory idleness. It was a selfish and short-sighted policy to keep in the country those we cannot employ lest we should lose some of our good workmen. Presuming that emigration is desirable, how is it to be accomplished? Many most suitable for emigration cannot raise the funds for this purpose; nor can emigration societies do much, nor the boards of guardians. The state should grant or lend money for this purpose, then our country and the colonies would both be benefited. Other steps should be taken for ameliorating the condition of our people, but in the meantime a national system of colonial emigration should be adopted.

A paper, by Mr. S. J. NASH, on the relations between emigration and education, followed. Mr. Nash advocated the establishment of emigration schools. Emigration he regarded as the great want of the times, but he saw that the great difficulty was for all above the labouring classes to be able to fit themselves for it. To accomplish this schools might well be established. Schools for boys and girls might be made attractive by inducements, might be controlled and regulated by the government in concert with the colonies. For this an emigration department was needed. The writer suggested that emigration might be made easy by a bounty or benefit attached to a first, second, or third class certificate on passing an examination by a government inspector. The shoeing of a horse, the building of a waggon, brickmaking, would all, however, be subjects of examination. Such a system would especially be adapted to youths. With adults the writer did not propose to deal.

A paper, by Major-General CROGGAN, R.A., on the same subject, was read. He pointed out that most emigrants paid their own fares—that during the past year half a million sterling had been remitted to the United Kingdom by immigrants settled in the United States for the purpose of bringing over their friends. It was desirable, however, that government should substitute for the present system a national passage line of steam ships between the colonies and England. Such a line of vessels need not become a charge on the public estimates. The writer entered at length into the details of this plan, and claimed for it that it would enable emigrants to reach Australia with practically as little difficulty as they now find in making their way to the new districts of the United States.

- A paper by J. NEWTON, F.R.S., followed. He thought that emigration might be made self-supporting, and that, therefore, one of government aid need not be given. We required rather an association here, which should have capital enough to buy lands abroad, and have them surveyed, and allotted, so as to suit all classes of buyers.

DISCUSSION.

Mr. JOHN BATE said: The annual reports of the Emigration Commissioners, of which twenty-nine have been published up to the present time, afford conclusive and most instructive information of the progress and direction of emigration from the United Kingdom. From those reports it appears that, since the year 1815, 6,498,670 persons have emigrated. It was not until the year 1847 that emigration upon a large scale existed; in that year the number reached 258,000, whilst the highest number in any previous year was 129,000, and the annual average for the period of thirty-one years to 1847 was only 53,940—for seven years following 1847 (which was the first year of the Irish famine) the numbers emigrating exceeded 300,000 per annum. In 1855 the numbers fell to 176,000. In 1863, the height of the cotton famine, the numbers reached 223,000; the annual average for the past six years to the close of 1868 being 206,000. It should, however, be stated, that the above figures include foreigners who have embarked at English ports. My object in referring thus minutely to these statistics of emigration is to disabuse the public mind of a most erroneous impression which has got abroad, that emigration is going on a rate seriously detrimental to the interests of this country. It is the desire of every English manufacturer to create a market for his produce in every corner of the world, and to encourage a trade with those countries which consume the most. Now, which are those countries that are our best customers? The colonies and possessions of the empire are consumers of our produce to the extent of upwards of one-third of all the rest of the world, and they undoubtedly are our best customers. Emigration has been the means of making the United States of America a great country, as nearly four and a half millions have gone from these shores since the close of the great European war in 1815, and a better illustration of its results cannot be furnished than the letter of the United States' Special Commissioner of the Revenue of the Treasury Department, in which he states, that:—“From the 1st July, 1865, to the 1st December, 1868, about 1,000,000 natives of foreign countries have sought a permanent home in the United States. Investigations made some years ago—since when the character of the emigration has greatly improved—showed that these emigrants bring with them specie, or its equivalent, to the average amount of eighty dollars per head; while their average value to the country as producers cannot be estimated at less than half the average value of an ordinary labourer in the south, prior to the war, viz., 1000 dollars. Emigration thus, since the termination of the war, may be regarded as having added 80,000,000 dollars directly, and 500,000,000 dollars indirectly, to the wealth and resources of the country.”

Mr. S. J. NASH said: Almost my only object in making my appearance here, is to urge the establishment of emigrant schools in this country—schools in which children may be so educated as to be fit for the colonies when they arrive there. I have written a little on this subject, which I regard as one of great importance. Few people, however, appear to sympathise with me, but I think that if we could get hold of girls and boys who now drift away to crime and misery, if we could teach them to shoe horses, make bricks, and build wagons, as well as teach them the three R's, we should confer a great benefit, not only on ourselves, but likewise on the colonies. I think that Miss Rye has got hold of a good idea, but that it has not yet taken a good shape. She would send out gutter children; so would I, but not until they had been taught something. Boys learn to have rings and pins, and short pipes, and go about dressed like gentlemen, while they have not a shilling to bless themselves with. The girls, too, go to be bonnet makers, or anything rather than go into domestic service. We are altogether wrong in the class of emigrants whom we are trying to get out. The skilled workmen ought not to go. I wish to get some men who have power and influence and wealth to take up this question. Emigrant schools are what we want for this country.

Sir WILLIAM DENISON said: I come before you, Mr. President, as one of your old friends, and I may remark that I have had the benefit of a good deal of experience. I began my career, forty years ago and upwards, in North America. I have worked my way through the Australian colonies, and I have seen the garrisons of Malta, &c., which are falsely called colonies. I now wish to speak, however, solely with reference to those colonies which we have formed as receptacles for the overplus of our population. For the last year and a half I have been employed as chairman of the Rivers Commission in the manufacturing districts, and the state of those districts impressed itself in an extraordinary way upon my mind. I went abroad in 1846, and did not come home till 1866, and I had consequently not realised the changes which had taken place in this country during my absence. I have lately visited every large town in Lancashire and Yorkshire, and the state of things as regards, for instance, the relation between workmen and employers is very different from what it was four-and-twenty years ago. There is a far greater amount of antagonistic feeling between the two classes than there used to be. Since the year 1801 the populations of Lancashire and Yorkshire have doubled themselves twice, and the increase is still going on. The population of the county of Lancaster amounts at present to 3,200,000, and it bids fair to increase to 6,000,000 in another thirty years. Our whole population is about 20,000,000, which in sixty years will probably have increased to 40,000,000. Now, at all events, you will not be able to feed 40,000,000 of people, that is very certain. Having stated these few facts with regard to the state of the country, let me say a few words respecting the proposition before us. I can corroborate what the President has said concerning the condition of that colony to which he specially belonged—South Australia. Though I was not governor of that colony, yet I have a thorough knowledge of all the statistical facts connected with it, and I can testify that it is an exporter of wheat. In discussing the question of emigration there are three classes of persons to be considered. There are the individuals you have to send out; then there are the people whom you leave at home in the mother country; and in the third place there are the inhabitants of the colony. Now, in the name of the colony, I entirely object to making it a place for shooting rubbish. We are not justified in trundling out our paupers merely because they are receiving rates. And, to tell you frankly, I do not believe the colonies will take them, because they are not worth having. If we have reduced them to the position of paupers, by misgovernment or want of consideration, we must take the consequences. We cannot send out men who have been under the union system, and reduced to the state of miserable creatures by receiving 1s. 8d. or 1s. 6d. a week. You have no right to drop a man of that kind into a colony, and ask the colonists to maintain him until they can make some use of him. Then as to the individuals themselves. There is a very wide scope in the colonies. I do not mean to say that a man who can dig and plough will not be useful, but there is plenty of room for the artisan, the smith, the carpenter, and the labourer, who can use his hands and his muscular capabilities. But there is another class. It is one of the great curses of that country that you send out

single men, instead of families. It is true that a single man is the most useful for the time being, but he is not socially the best man, neither does he relieve you here to the same extent as if you send out a married man, with three children and his wife. These, again, are what this country would be too glad to get rid of. It would be far better for the colonies also to receive them. Then the man himself will be benefited to an extent which you can hardly estimate, because he will be relieved of the pressure which comes on him as to the future of his children. How, then, can they go to the colonies? They cannot pay for their passage, and the colony has no special want of them at the time. Therefore, I think it is not fair to call upon the colony to pay for the import of men of that kind, although it might, in consideration of all the circumstances and of the advantages which might eventually accrue, pay a portion of the expense. But I do not think that the colonies, in order to relieve our necessities, should charge themselves. They may do so, and they probably will, but I do not think you have a right to say to the government of the colony, "You must pay so-and-so." It is our interest; we want to get rid of the surplus population. We are told that education is the great panacea. Educate the people, it is said. Very true; but can you educate a pig? If a man is living among dirt and filth, you say to him, "Respect yourself," but how can a man respect himself when he is living in such a state? You treat him like a dog. Why, the dog in your kennel, and your pig, if he is a clean and well-bred pig, is kept in very good order. But these people are not. You leave it to them. As to educating men, you must first give them something to educate them for. You must first look to a man's body before you can make his mind worth cultivating. Now, that is just what you do not do. How, then, is this state of things to be got rid of? You have 300,000 of these people every year added to your population, and the only mode of lessening the evil, for you cannot eradicate it altogether, is by giving to these people the hope of a better future—that is to say, the prospect of a life in another country, where they may hope to have their children trained, and to have a good future before them, with the means of living and bringing up a family, instead of living here, where the constant increase of the population and of wealth is really pressing on these lower classes to an extent of which, unless you have looked into this question, you can hardly have any conception. But we are told that it is the State's business, and I tell you frankly I think it is. It is an evil which the State only can remedy. The local authorities cannot remedy it. I believe, however, there is a scheme by which the State can interfere, not by taxing the people, but by doing just as you do now when a landowner wants to drain his estate. He goes to the Treasury, and they lend him money, to be paid back in a certain number of years, a guarantee being given for paying the interest, 3 per cent., or something like that, and a portion of the capital, at the end of every year. A system like that would solve every difficulty. The money would be constantly returning to you, to be employed again in the same way. If you were to devote any given amount, say 20,000,000*l.* to this purpose, you would at the end of every year find the interest of that and the surplus payment coming in, to be employed in a continuation of the experiment. I think a system of that kind, administered by the State, under proper superintendence, with the aid and approval of the colonies themselves, would be a benefit to ourselves and to the colonies, as well as a great relief to the individuals who are now suffering from poverty and a state of things forced upon them by the condition of the money market. I have heard it broadly stated that it would be better for the manufacturers if we could keep these men at home, paying them out of the poor rates, in order that there might be a surplus of labour when the time comes that there is a demand for it. But that is not the class of labourer you want. You want an intelligent man, working, as it is his interest to do, in the best way he can, to the utmost extent of his powers, and not scamping his work, and doing the minimum he can possibly do to entitle him to his day's pay.

Mr. BEVAY said that he advocated state aid to emigration. He observed that there were several points in the Rev. Brooke Lambert's paper as regards which his arguments were one-sided and weak. The reverend gentleman appeared to confine his attention too much to one section of working men, namely, Woolwich

artisans. Now, if the movement was to be general and national, and if we sought for aid on national grounds, we ought not to pin our arguments on one section of society. The second point which Mr. Brooke Lambert mentioned was, that there was an opposition in many of the colonies to immigration, as they said they did not want it. In regard to this, he thought the reverend gentleman was mistaken. He was in the habit of seeing all the colonial newspapers, and he found that they were invariably clamouring for emigrants. Moreover, most of the papers devoted some of their columns to publishing lists of the class of emigrants which were required. Mr. Torrens had observed that the colonies would rather object to take our elderly and our married people, and that they would prefer to receive the single and the young ones. They of course wished to have the best of the bargain. If, however, a system of state emigration were set on foot, some balance must be adjusted, by giving increased donations or otherwise, so as to help off the elderly and the married people, while the young ones would bring their own value in the shape of work and labour.

Sir George GREY said: I feel that the question which you have before you to-day is one of mighty importance, or the whole empire. It seems to me wonderful that in a great city of the greatest empire the world has ever seen, such a question should arise as a matter for discussion. I cannot help thinking that the question put in its simplest form would run as follows—"Is the greatest empire which the world has ever seen, which has shown that whether for the purpose of occupying or subduing other countries, it is a great and mighty empire—whether an empire which has shown that it possesses in a greater degree than any other nation that has appeared on the earth the faculty of self-government, and of governing all races, should now say, 'we abandon the function of governing even our own possessions; we abandon the function of looking at the empire as a whole, and of administering the property of the whole empire for the good of all the inhabitants?' That is really what the question comes to. There are enormous tracts of waste land on the surface of the globe capable of yielding every product which the human race can desire. There is in this country an enormous population, a part of which is sunk in a depth of misery so terrible, that I believe future historians, writing on the state of England at this time, and the state of public opinion in regard to the wretchedness that prevailed, will conceive it impossible that the whole nation should have shut its eyes deliberately to the evils with which it is threatened. The vast tracts of land to which I have referred are still unoccupied, and they would give you the means of supporting your surplus population. Yet I am told that the state is no way to aid in making those lands available for the support of those who are now unhappily sunk in distress and misery. There is a general opinion that the colonies appear before Great Britain as supplicants. I say, however, that that portion of the colonists who are so urgent in begging of Great Britain not to abandon her possessions, do so in consequence of the love they bear to Great Britain, and not from the fear of any evil which may fall upon themselves. They can have no satisfaction in feeling that they are not the rulers of their own countries, or in reflecting that they cannot be sent as ambassadors to European countries. They hold altogether subordinate positions, whereas, if let free, they might hold altogether different positions. They would then be able to bestow on their own citizens honours which they cannot now confer. At the present moment colonists are not deemed worthy of entering the greatest orders of merit which you have in this country, and a new order of merit has been created to be bestowed on the colonists, with the express object of preventing them from participating in the honours of this country.

The SECRETARY remarked that this did not refer to the question before the meeting.

Sir G. GREY: I think it affects the question in this way. I am satisfied that if the inhabitants of the colonies are called into council by the government of Great Britain, and allowed to participate in some respects, in the government of their own possessions, and in advising Great Britain as to the best means of promoting emigration from this country, they will co-operate willingly. I do not think they would like to have your pauper population, which is a refuse population, but I believe that if you were to call them into consultation, they would aid you in getting rid even of that portion of the population. I contend, that if Great

Britain awakes to, a full recognition of what the capacities of the inhabitants of the colonies are, and welcomes them jointly into her councils with her own statesmen, the whole empire of Great Britain may be administered for the good of the British people. I believe that by such a course emigration may be beneficially conducted from this country, and a relief be afforded to you, so great that you could hardly credit it. Instead of losing your best workmen, as you do now, you would get rid of those who would be very valuable to the colonies and no great loss to yourselves. Of course, as long as the colonies are obliged to pay for all their emigrants they will get your best men. I will add no more arguments on this subject, on which I feel very strongly, and as I am desirous that the fullest possible ventilation should be given to the matter, I will no longer detain the meeting.

MR. JOHN NOBLE said it appeared to him throughout the whole of the discussion that there had been a begging of the question really at issue. He was not opposed to emigration; on the contrary, he had himself recommended many persons to emigrate. The special question really meant, "Are there any especial circumstances requiring state aid for emigration at the present time?" In his opinion it had not been shown that emigration would be a remedy for pauperism. For the last thirty years people had been emigrating to a considerable extent, and yet our pauperism was increasing. Why? It was stated in the newspapers, not long ago, that the system on which our Poor Law was administered was a system that created paupers. Sir George Grey had stated that the colonies would be willing to take our paupers, but he was the only speaker who had made such an assertion. They had been told this morning that there were too many agricultural labourers in the kingdom. For his part, he did not believe it. If gentlemen would refer to the *Transactions* of the Association, and peruse the paper which was read at the Edinburgh meeting by Mr. Hope on agriculture in this country, they would find that if the farmers had more security for their capital there would be a great deal more employment of labour and much more scientific cultivation of land than there was at present. The real point to consider with respect to the desirability of affording state aid to emigration was, whether it would be a sufficient remedy for the evils under which we were now suffering.

MR. JOHN GORST: I agree with almost everything which Mr. Noble has said, but I come to a diametrically opposite conclusion. Startled as I was by some of the statements of the Rev. Brooke Lambert, and having to choose between a disbelief in my own senses, or a reliance on Mr. Lambert's figures, yet I must admit he said one thing which is quite right. You cannot extinguish pauperism entirely by means of emigration alone. But that is no reason why you should not ameliorate pauperism. Mr. Noble has failed to distinguish between different classes of paupers. There is a large class as to whom no one would ever dream of suggesting that they should emigrate. There was criminal pauperism for instance; and again, a great deal of the pauperism caused by suffering and disease could not be cured by emigration. But on the other hand there was a large class of paupers, and a large class of men just on the verge of dropping into pauperism, who might with great advantage to themselves, to the colonies, to the Boards of Guardians, and ratepayers at home, be induced to emigrate to other countries. I entirely protest against the selfish doctrines which have been twice enunciated by Mr. Noble in respect to colonisation and emigration. I do not think it is worthy of a great country to look at everything from a selfish point of view. Unfortunately there are no funds at present available for promoting the emigration of many of these people. The land revenues of the colony were the proper funds for that purpose, and it is unfortunate that the colonial governments were not made to understand that they were trustees of those lands for the purpose of encouraging emigration. I believe, indeed, that all colonial governments have some idea that they have such a trust. In New Zealand, for example, the land revenues were spent in encouraging emigration, until they were swallowed up in the unhappy expenditure to which that colony has been subjected. In conclusion, may I say a few words in favour of a class on whose behalf I specially sent in my name for the purpose of speaking. It appears to me there is one class, the most neglected and badly treated by us as a nation, and which has a peculiar claim on our assistance to emigrate. I refer to what are called "gutter-children." I would not take upon

myself the responsibility of depriving a child of its home, however depraved and debased that home might be, for any home is better than none at all. There are, however, in our great cities, thousands of children who have no father nor mother, nor home of any kind. They have only one step-parent—the state. These poor destitute orphans, who lie about the streets, have a strong claim upon our sympathy, and it is a disgrace to our Christianity that that claim should have been so long neglected. For these children there can be no career better than emigration. They ought to be taken by the state from early childhood, brought up at the imperial expense, and fitted to go out into the world, not as thieves and prostitutes, as they now become, but as colonists, who would advance the government of England throughout the world.

Mr. ALSAGER HILL did not see how the recommendation of the latter speaker could be adopted with any satisfactory result. It was a matter of necessity that those who went out as emigrants should be intelligent persons. If the Emigration Office could be put into perfect working order, and made a real active source of popular information for the working classes, and if the boards of guardians were placed in a position to carry out the clause alluded to by Mr. Noble, he did not think there would be any necessity for a very large expenditure. If a large sum of money were voted by the country, we must ascertain how far there was a prospect of the plan being a practicable one. There was at the present time little prospect of our being able to bring a sufficient pressure of public opinion to put an entirely new machinery in motion. He had had a good deal of experience of “gutter children,” and though it was an unhappy thing that they were no better off than pigs, he believed that the system of industrial training and the imparting of a thorough knowledge of colonial geography in place of the latitude and longitude of the Red Sea would do more good than sending them out with a shovel through the agency of Miss Rye, or of anybody else.

Mr. YOTL had for many years past received large numbers of applications as to the most suitable emigrants to go to the colonies. His opinion was that as long as a man had health and strength, if he had habits of industry and economy, he might be one of the best class of men to go there. All that was wanted in England in order to relieve the well-conditioned and honest labourer was an extended market for our products. Nor nothing could have a greater tendency to increase the manufactures, not of Manchester alone, but of every city in Great Britain: than emigration to our colonies. There was room in the colonies for millions of people, and every man, woman, and child who went there gave this country an extended market for its commodities. Ten millions of people in Australia would increase our export trade by one-fourth. It appeared to him that it was a great mistake not to make use of the waste lands of the British empire, which he regarded as the heritage of the poor of Great Britain.

Mr. THOMAS BRIGGS said most men are agreed that the rights of property are so deeply rooted in the old countries that they cannot be set aside without leading to the total disorganisation of society. The waste lands at home among civilised society are insignificant both as to quantity and quality. What, however, are we to do with nearly 1000 a day of an increase of population, of births over deaths. The first impulse of a true British patriot will be, send them to our colonies, forgetting that nearly all that are worth having as colonists are off to America, unseen or heard of. The discussion of the relations between the colonies and the mother country, has hitherto taken the shape of a military and naval question. This is what I call the policy of the sword. Now what I wish to see is this, that there should be a different mode of thought imparted into the matter. Why not let the plough have its share in the question: let it be a question of the sword versus the ploughshare. In order to come to the point, let me say that I am of opinion that it is desirable to give state aid to emigration, but in what form, is a question fraught with momentous issues, and on this point there is room for a wide divergence of opinion, and I dare say on this point I shall find very few of my fellow-workers in the cause to agree with me. The form of state aid I say ought to be indirect, and in this respect the state, or the government, for the time being, has done its duty to the colonies; but as regards the interests of the surplus population of the mother country it has overstepped the bounds of duty. It has given to a few settlers vast territories,

territories on which it is said the sun never sets, and, inasmuch as it has not taken security that every British subject shall have (by right of law), before sailing or on arrival, an equitable free grant of cultivable land, residence and culture being the only terms. I repeat, that in omitting to take that security, the home government have fallen within the bounds of duty. In explanation of this point and as an illustration let us take one of the youngest colonies, say Queensland, in order to show the magnitude of state aid that has already been indirectly given to the colonies long ago. According to official figures, Queensland contains an area of 433,920,000 acres, and this little community numbering less than 50,000 souls only. Well, according to the wisdom of this little colonial legislature's valuation, after cession, this is a gift of 433,920,000*l.* sterling, for it is a fundamental principle of colonial law that not an acre shall be alienated under 1*l.* sterling. It is true that the whole of the colonies have of late years been feeling their way to the fact that this principle was a vital mistake, and have modified their land laws accordingly; but still they cling to the 1*l.* per acre. For instance, those of them who give thirty acres as a free grant to new settlers, call it a 30*l.* land grant. It is, moreover, given to none but those who find their way to the colonies at their own expense. Emigration of a spontaneous and independent nature, carrying with it capital and skill, would flow to the colonies as water finds its own level, if only the colonies would make proper land regulations. Again, with regard to free trade. If the home government had insisted on the policy of intercolonial free trade as well as international free trade, it would have stimulated spontaneous and independent emigration, and the aid thus given indirectly by the state to emigration would have been of immense service. I maintain that the parent state has done her duty in regard to this great question, and that it now principally remains for the colonies to do theirs. With a good homestead law, and perpetual and entire free trade, our colonies will construct a bond of peace and unity between them and us, that will defy the whole power of the evil one to burst asunder.

Mr. E. PEARS: In my opinion it is desirable that state aid should be given to emigration, and for these reasons. In the first place, assuming that emigration is a good thing, the way in which you carry it on at the present time, and the means you have at your disposal, are inadequate to meet the necessities of the case. There are hundreds of people, I believe, who can barely live here, and who would do well in the colonies, but the means of transporting these people to our colonies are not at hand. On that ground, therefore, I say it is necessary for the state to step in and interfere. Mr. Hill said he did not know where the people who would emigrate were to be found. I can tell him. Canon Girdlestone proposes that agricultural labourers should emigrate from the south of England to the north. Now, I believe the only result of that would be to glut the labour market in the north of England, where they have sufficient labour of their own at the present time. The introduction of machinery into agriculture is throwing agricultural labourers out of employment in every part of the country. I therefore disapprove Canon Girdlestone's plan, but I should say, "Let the men be taken to Australia." You can benefit the southern counties of England by ridding them of the men, while the men themselves will be benefited by being taken away. Increased education will do much for emigration. I believe the Irish went abroad because they were, on the whole, better educated than the people of England, and therefore when the pressure of necessity came, going abroad was not to them so terrible a thing as it is to our boorish peasants; and when the ball was commenced rolling it went on increasing in velocity. In these days our labourers are being educated by means of penny newspapers. If labourers can only earn a few shillings per week in Dorsetshire, and if they can earn the same amount in one day in the colonies, you cannot keep the fact from them, and eventually they will clear out by their own exertions. America is nearer than England. I think it would on the whole be better that they should go to our colonies, but if we do not take the matter in hand, they will begin to go over to the United States. Then we shall very likely have emigration in villages and the same sort of thing that has gone on in Ireland. I by no means agree with those who regard emigration to America as an evil, but looking to the interests of England, I should prefer to see English

emigrants go to English colonies. This is another reason why the state might well interfere to guide emigration. Then I come to the second part of the question, viz., "In what form ought aid to be given?" Everything seems to show that we want more inquiry as to the best means of granting aid. You have commissions on all sorts of things, and why then should you not have a commission to inquire into what way state aid may be best given to emigration? It is not merely the agricultural labourers of England who want to get out, or the "gutter children," or the incipient paupers. Many intelligent, well-educated men would like to go out themselves, or have their children educated for the purpose of going out. The Society of Friends have already solved this question, to a certain extent, in connection with their own body, but they are not given to advertising what they do. They have in Yorkshire a school which has been in existence for many years, where the boys are taught agriculture, mainly, I believe, with a view to emigration. At the age of eighteen or twenty, they go to the United States or Canada, and settle down there as emigrants under an organised system. They are passed on to friends and are enabled, by the knowledge they have acquired, to be very useful servants of a high character to the friends to whom they have gone. I believe that much might be done by means of emigration schools.

Mr. F. P. LABILLIERE said the colonies did not want paupers, but they did want the people who would eventually become paupers if they remained in this country. The right plan was to ease the pauperism of this country by preventing it, and he thought it was the duty of this country to organise a system of assisted emigration. It was certainly the duty of this country to assist its poor population—those who were likely to become paupers. He had been very much struck by an observation which fell that morning from the Rev. Canon Kingsley. The reverend gentleman, in speaking of education, expressed his opinion that it was the duty of those who contributed to the increase of population to pay for that increased population. Now, what has contributed to a large increase in the population of this country? Sir William Denison had pointed it out. It was the remarkable development of the manufactures, and of the trade of the country within the present century. We should not, however, be justified in expecting that that development would go on at the same rate in time to come. We knew what occasioned that development, namely, the introduction of steam and its application to manufacturing purposes. England possessed colonies. Other nations of the globe might ask us, "What business have you to retain the whole continent of Australia, and such a vast amount of territory over the service of the earth, if you are not going to do something in the way of occupying it?" He believed there were in the world many eligible places in which settlements might be founded, and the only expense this country would have to incur after the first starting of a settlement would be in sending, during the first ten or twelve years of their existence, two or three ship loads of emigrants annually. By this means homes would be provided for our surplus population.

Colonel SEWELL, by way of justifying himself in offering his opinions said, he would in the first place state what opportunities he had had of studying the subject. He had had much experience in the colonies, particularly New Zealand, where he was a member of the government. He had also had special opportunities of forming a judgment on the emigration question, in consequence of his taking part in the Canterbury Settlement, which indeed fell very much under his charge. He should take it for granted that colonisation was a subject in which the mother country had a considerable interest, and emigration was but a branch of the higher and more comprehensive object of colonisation. Now, if emigration was a public advantage, it was the duty of the state to aid it. The practical question was, as to the form in which this ought to be done. Should it be done, for example, by means of grants of money? Should the state advance large sums of money for the purpose of promoting emigration on an extended scale? It was useless to think of going to the present or any future Chancellor of the Exchequer and asking him to grant 1,000,000*l.*, or, as had been suggested, 20,000,000*l.*, for the purpose of aiding this object, however clearly we might be able to show that such an outlay of money would be productive of good results. There was, however, another form in which the state might give direct help towards emigration, namely, by granting loans of money, to be expended by the colonies. In this form the question might be

tributed as a practical one. The principal impediment was, the utter want of colonising power in this country. The Colonial Office at one time performed the function in the manner which had been described by Colonel Torrens, namely, in a manner exceedingly detrimental to the interests of the colonies; but the Colonial Office had now in fact abandoned the function of colonisation. Now, he entirely agreed with Mr. Torrens in treating the waste lands of the colonies as the patrimony of the people of this country. Like him, he was a disciple of the Wakefield school. Indeed, he served his apprenticeship in colonial matters under Edward Gibbon Wakefield himself. Well, there was no one point on which Mr. Wakefield's opinions were stronger than on this—that it was a breach of trust on the part of the mother country to transfer the administration of the waste lands to the colonists. This, he believed, would also be admitted by all colonists who seriously turned their thoughts to the subject. However, the transfer had been made, and there was now no help for it. The power had been transferred to the colonists, who would not relinquish it, although he felt satisfied they would be disposed to enter into any arrangements under which these waste lands might be administered for the joint advantage of the colonies and of the mother country. But, in order to bring such a state of things about, it was necessary that the colonies and the mother country should co-operate in the work of emigration. The first thing to be done would be to establish in this country some colonising power to settle the principles of emigration, and—what was vitally connected with it—the administration of the waste lands. It was useless to talk about sending out labour, unless a wise system of administering the waste lands were adopted. The bridge was ready, for ships were lying in our harbours, and yet we had not the artistic skill and power to put the different elements together, and to bring them into co-operative action. The difficulty was in getting the money. Now, first of all, the labourer himself ought to supply a considerable proportion of his passage money, and he believed that under a wise system of administration, from 25 to 30 per cent. of the outlay might be got back from the emigrants. He also believed that the colonial governments would allow loans to be raised on the security of their land funds for the purpose of stimulating emigration.

Mr. SHERWOOD SMITH remarked that to remove pauperism entirely from this country was impracticable, but emigration appeared to him to be the best method of checking the increase of pauperism.

Mr. GEORGE DUDDELL said that what they wanted was the moral aid of the government. They also wanted the gentlemen who had so earnestly taken up this matter to-day, to come to the front in every provincial town in England, and inaugurate a National Emigration Aid Corporation; 10% for each emigrant was already the law of the land. Bristol was one of the first towns which encouraged emigration to the West Indies, and he trusted that in Bristol a start would be made to inaugurate a Joint Stock Limited Company, for the purpose of promoting emigration to our other colonies. Only 10,000% would be required.

The Rev. J. M. STRONGMAN said he was a colonist of some twenty-one years standing, and knew something of the three colonies to which reference had been made to-day. He was surprised at the large amount of misrepresentation which had been put upon the remarks which had fallen from different speakers both yesterday and to-day. Reference had been made by one gentleman to the right of the imperial government to control the administration of the waste lands of the colonies. When a system of responsible government was conceded to the Australian colonists, it was for them, and not for the imperial government, to decide what should be done with the waste lands. The colonial governments were alive to the importance of emigration, but they did not wish the English people to raise funds for the purpose of sending off a class of emigrants who would not be acceptable to the colonists. The colonists were determined to refuse in future to accept such a class of emigrants as had been sent out from the very gutters of English cities. They required men who were willing to work, and who would prove in the end good colonists. There was a certain portion of the land fund set apart for emigration purposes; and when it was needful for a portion of that fund to be distributed in this particular form, the different governments of Australia would be alive to the question.

The Rev. T. H. CLARK then moved the subjoined resolution :—

"That the Council be invited to direct their attention to the desirability of urging the appointment of a Select Committee of the House of Commons to inquire into the whole question of emigration and colonisation."

Mr GEORGE DUDELL seconded the resolution, which was put to the meeting by the chairman, and carried unanimously.]

THE AGRICULTURAL LABOURER.*

How may the Condition of the Agricultural Labourer be improved? By the Rev. CANON GIRDLESTONE, M.A.

FOR some two or three years past, and especially within the last few weeks, at the meeting of the British Association at Exeter, I have said and done so much in connection with the agricultural labourer, that when I was first requested by the local committee to prepare a paper on this subject for this present meeting of the National Association for the Promotion of Social Science, I felt great reluctance in acceding to the request. In deference, however, to the wishes of the Council of the Association, who had resolved to give this subject a prominent place in the discussions of this meeting, and unwilling to neglect an opportunity of keeping alive the interest which has been awakened for a cause which I have deeply at heart, I agreed to open the discussion with a paper, which I stipulated should be short and merely suggestive. I propose, in truth, merely to nail up, so to speak, a row of pegs, on which discussion may be hung. Taking it for granted, as most unprejudiced persons with their eyes open are now ready to admit, and as has been proved *ad nauseam* by every blue-book which has been printed on the subject, that the condition of the agricultural labourer in many counties, but especially in the west of England, is most unsatisfactory; that he cannot save, cannot even enjoy life, can scarcely live; and that his position in the social scale is below that of the emancipated slaves in the United States, who have received the franchise, which no reformer, however advanced, has ever claimed for the English peasant, I propose to do nothing more than offer a few heads of reply to one of the questions printed in the programme of this meeting, "How may the condition of the agricultural labourer be improved?"

First, As a measure of immediate, though of course only temporary, relief, I would recommend migration, that is to say, the removal of labourers from parts of the country in which wages are low to those in which they are better. Some people advise emigration. That perhaps may be even now the only way of relieving overgrown town-populations, and hereafter may be necessary for the relief of rural districts. But as long as there is, as is undoubtedly the case now, a scarcity of agricultural labourers in some parts of this country, specially the north, and good wages always ready for good workmen, I should, for the good of the country at large, as well as for the sake of the labourers themselves, prefer migration to emigration. I have carried

* See *Transactions*, 1860, p. 791; 1864, p. 650.

on this process on a considerable scale myself in my own part of the country, and with the best results. Most of those whom I have assisted to migrate are happy and thriving. These have, of their own accord, invited and assisted many amongst their friends and neighbours to follow their example, while those who have remained at home have had their wages raised, and their condition materially improved. The difficulty connected with the expense of removal was in most cases got over, by inducing the party hiring to take upon himself a portion of the cost, and advance the remainder, to be gradually repaid out of wages. It was much more difficult to overcome the ignorance and want of energy and enterprise, which often induce a peasant to prefer starvation in his native village to plenty elsewhere. There is no reason, however, why every clergyman in his own parish, or any layman who may feel an interest in the subject, may not overcome all these difficulties. Great assistance would be rendered by any London or provincial penny paper, or any periodical having a large circulation amongst labourers, which would every now and then publish the rates of wages in different parts of the country and in the colonies, or by any persons who would originate, and till it became self-supporting, maintain an agricultural labourers' circular, containing all necessary information for facilitating migration. Such a circular would be as valuable to farmers as to labourers.

Secondly, I pass on from the somewhat temporary and partial measure of relief to the agricultural labourer which migration or emigration affords, to those which are likely to exercise a more permanently beneficial influence on his condition. In the fore-front of these is education. I am no advocate for over-educating the children of the agricultural labourer. I ask for nothing more than that, before he is turned out into the fields to work, he should be so far instructed, as to be able to read an ordinary book correctly, fluently, intelligently, and with ease to himself: to write, not merely his own name, which some people most mistakenly consider a test of scholarship, but a tidy letter to his parents or brothers and sisters; and have, at least, such a knowledge of the first rules of arithmetic, as would enable him to keep accounts and make out a bill. Anything less than this would, when active life commenced, be soon forgotten. But, thus far taught, the peasant would have within himself the elements of self-improvement, would, in some cases, provide for himself, or have provided for him by friends, further advantages of education, and rise above the sphere in which he was born, and would, in all cases almost, even, as an agricultural labourer, raise himself from his present depressed and humiliating position, and become a better and more intelligent workman, and a more independent member of society. An educated labourer would be above living in the wretched hovels with which he is now content, would depend upon himself rather than on the Board of Guardians for relief in sickness and support in old age: would resist part payment of his wages in beer or cider; would make his earnings go further by

becoming a member of a co-operative store, and make good use of his increased wages by investing them not in the public-house, but in the Post Office Savings Bank. In order to this amount of education, however, being received, there must be within easy reach of every agricultural labourer, not, as in too many instances now, a mere sham of a school, but a really efficient school, under State inspection, and some measure of either direct or indirect compulsion. How these, with an almost inappreciable disturbance of the system at present existing may be established and maintained, I have so lately shown at great length in a paper read last August before the British Association at Exeter, that I will not now attempt to go over the same ground. My paper is at the service of any one now present who wishes to have a copy of it. All I will say in addition is, that the education of the labouring classes is, in every point of view, social and political, as important for the good of the nation at large, as for that of the labourers themselves. My remarks apply to females as well as to males; and as long as the object is attained, I care little whether the schools are supported out of a rate or out of the exchequer, whether they are secular or the reverse.

Thirdly, A better administration of the Poor Law would make a wonderful difference in the condition of the agricultural labourer. I am one of those who have long been of opinion that the condition of the agricultural labourer would have been much better if there had never been a Poor Law at all. There never was invented a more powerful instrumentality for robbing a man of his independence and making him idle and improvident. It would possibly need, however, a revolution to get rid of an institution so deeply interwoven as the Poor Law is with the whole social system of the country, though public opinion is advancing even in this point. What cannot be cured, even if it must be endured, may nevertheless be amended. It is to the amended administration, not the abolition, of the Poor Law that we must look. Thus, for instance, if it be true that parish pay is too often given to supplement wages, what can be more short-sighted than to have Boards of Guardians in rural districts so constituted, as to leave the chief power practically in the hands of the farmers? It is this same remarkable constitution of Boards of Guardians which, in a great many instances, leads to the situation of relieving officer, master and matron of unions, and other like public servants, being bestowed on the sons and daughters of popular farmers, without any respect to their real qualification for the post. There would not be half as many cases of out-door relief as now, if Boards of Guardians were differently constituted, and all appointments to office in connexion with the administration of the Poor Law made by a central, or at least, a county authority. Again, there must be a better classification of paupers, and a different treatment of town and rural paupers. Again, what can be worse than the mode in which medical relief is administered under the Poor Law? The parish doctor, in whose district my parish is, has five parishes under his care, containing a

population of 5769 persons, scattered over an area of 19,617 acres. For all the paupers in this immense district he has to supply attendance, medicine, bandages, splints, &c., and receives in return the magnificent salary of 79*l.* per annum, increased last year by midwifery cases and other extras to 101*l.* 14*s.* 6*d.* This is not, by any means, an isolated case. It is rather a sample of the state of things existing more or less throughout the country. No one can be more anxious to do his duty faithfully than the medical officer above referred to. But is it possible for any man, in such circumstances and on such terms, to do his duty faithfully, to give sufficient personal attendance and supply proper drugs? Is not this mode of doling out medical relief to the poor a mere sham? Would it not be far better for the sick poor to rely solely on their own resources, or the kindness of their richer neighbours for medical relief, than, while the substance is denied them, to be cheated by a shadow, which deceives many who would otherwise send their own doctor to them, into believing that they are well cared for, while they are in reality, by the very necessity of the case, more or less neglected? Better, once for all, abandon the whole system of medical relief to the poor by Boards of Guardians, or, as is done in Ireland, with great success, pay the parish doctor fairly for his personal visits to each case, and provide him, at the expense of the union, with all necessary drugs and appliances in a dispensary established in some central position. An amendment in the administration of the Poor Law in these and many other particulars, which, were there time, might be mentioned, would have a very beneficial effect upon the condition of the agricultural labourer.

Fourthly. Though no doubt there has been, during the last few years, considerable amendment in the matter of cottage accommodation for the agricultural labourer, yet, if his condition is to be really improved, much still remains to be done in this direction. There are still in every part of the country, labourers' cottages by thousands, many of them very picturesque outside, so old, crazy, dilapidated, badly roofed, glazed, and ventilated, deficient in room, drainage, water, and every thing which conduces, not merely to the health and comfort, but even to the decencies of life, that neither the owner nor occupier of the farm would, for a moment, dream of allowing his horses, cattle, or even dogs to be stabled in them. The plea put forward is, that landowners cannot afford to build proper cottages, and that, if they did build them, they could not get a rent which would be remunerative for the outlay. I reply that it is as necessary, or rather, on moral grounds, much more necessary, that such cottages should form part and parcel of every farm, as that there should be good farm buildings for horses and cattle. And, putting all moral grounds out of the question, the farmer would gain as much in the improved physical condition of his labourers in consequence of their being well housed, as he does from the same cause in the condition of his horses and cattle. The facilities for borrowing money to be repaid by instalments now offered for this purpose,

remove the difficulties connected with the first outlay. And, as for the absence of a remunerative rent, just as now the farm-house and out-buildings are included in the estimate of the rent paid by the occupier, so ought also a proper number of well-built cottages, proportioned to the size of the farm. Let there be also a good garden attached to each cottage, and a sty for a pig. And if not all, at least let some of the cottages, to which the most skilled and deserving men might as a reward be in turn promoted, have a shed and a small allotment of land for a cow attached. Nothing is more serviceable in a labourer's family than milk. This most nutritious article of diet in many parts of the country the labourer cannot get either for love or money. It pays farmers better to make their milk into butter and cheese than to sell it in pints and quarts to labourers. The enclosure of waste lands and commons has deprived thousands of peasants of the privilege of keeping a cow. An allotment for a cow, such as is above described, and which is made with great success in some places, especially in the North of England, as shown by Mr. Henley, in the First Report of the Commission on the Employment of Women and Children in Agriculture, is a good substitute for this deprivation. Another good custom in connection with the same subject is that, which a gentleman a few weeks ago described to me, as practised by himself. Every labourer on his farm, when he comes to his work in the morning brings a can with him, and leaves it at the house, and when he returns from his work he carries it away filled with good milk, in quantity proportioned to the size of his family. There is not a farmer who might not make such a gift as this, in addition to wages, with an almost inappreciable inconvenience to himself, and with an incalculable benefit to the labourer as regards the physical condition of himself and family. Not to mention the grateful feeling for such kindness on the part of the labourer, and the increased attachment to his master's interest, which would result from it, the farmer would in reality himself also gain more in quality of the labour than he would lose in the value of the milk. I never can understand why farmers, who are fully aware how profitable it is to keep a horse in good condition, are so short-sighted with reference to the condition in which their labourers are kept. In Ceylon, where the wages paid to the natives are very small, it cost more, certainly, to construct a railway than if English navvies at high wages had been employed.

Fifthly, Never give beer or cider as part of wages. Much of the beer and cider given is not worth the money it is supposed to represent; is a gain to the farmer, who cannot otherwise, especially in the case of cider, dispose of it, and a positive loss to the labourer. It would be great gain to both farmers and labourers, in the apple-growing country, if the orchards were turned into wheat fields. But, even when the beer or cider is good, the same money spent in beef or milk would produce more muscle and strength. The having an allowance of beer or cider, say some, will keep men from the public-house and beershop. This plea has about as much truth

in it as the now generally admitted fallacy of expecting the Beer-shops Act to promote habits of temperance. An allowance of beer and cider is more likely to create a thirst for more, and lead men to the public-house, than to keep them from it. At any rate let every labourer have his full wages in money, and take his choice whether to spend them on beef or drink. • A more general adoption, where practicable, of a system of piece-work, would tend much to improve the condition of the agricultural labourer. This, or, in circumstances in which it could not be adopted, a graduated instead of a uniform scale of wages, would be in the nature of reward and encouragement for industry, perseverance, and skill. Whereas, wherever an uniform rate of day-wages is the rule, there is no stimulus of this kind, but, with the exception of shepherds and carters, all, whether willing, industrious, intelligent, skilful, or the reverse, are on one and the same level, with no hope of improvement, except by turning their hands to some more profitable kind of work or to emigration. There ought to be more provision likewise than now for work in wet weather, and for a continuance of wages either in whole or part, during sickness. Those who desire to make the case of the agricultural labourer better than it is, are fond of boasting that his wages are so much a week: But they forget to take account of the many days in which, owing to bad weather and sickness, the labourer receives no wages at all. We should all of us find our nominal weekly or annual income much diminished if, for every wet day, or whenever we were ill, a proportionate amount were struck off. For instance, would an annual income nominally of 365*l.* be really of that value to any one of us here present, if 1*l.* were forfeited for every wet day in the year, or every day on which we were confined to the house? The wages of well-fed domestic servants, most of them the children of agricultural labourers, who are generally unmarried, are paid wet or dry, well or ill. No one would dream of withholding wages from a butler, a footman, a cook, a housemaid, or even a farm servant of all work, for every day that he or she is disabled by sickness. But the married out-door labourer must, with his wife and children, if the weather happens to be bad, eat or drink less one week than another, or else run into debt; and, in time of sickness, when more than at any other time he requires physical comforts and freedom from care and anxiety, he is more than at any other time denied the one and oppressed with the other. Such wages as labourers receive might also be made to reach much further than now by a better mode of investing them. At present the agricultural labourer, specially, if, as is too often the case, he is in debt, is at the mercy of the small village shop-keeper, and very frequently gets adulterated articles at a high price, short measure and weight, and with no great accuracy of entry in the book. A more general adoption of co-operative stores would, as regards the value received for his wages, place the agricultural labourer in a much better position. I repeat that, inasmuch as it is of vital importance to the farmers, though many are too short-sighted

to admit this, at any cost to have their labourers in good condition, they would do well to act upon the above suggestions as regards payment in beer and cider, piece work, wet weather work, and continuance of wages during sickness, and to encourage by all the means in their power the establishment of co-operative stores. Putting aside all Christian and moral motives, it is undeniable that farmers would greatly consult their own interest by thus taking heed to the welfare of their labourers. Agricultural labourers' unions, well regulated, and guarded against intimidation and violence, would, if practicable, not be without their use.

Sixthly, But, say the farmers, we cannot afford to do this. As I have above stated, I believe that the doing this, that is, the taking every possible step for the improvement of the labourer's condition, would be for the interest of the farmer, and that so, the word "afford" does not apply. Yet the plea is, we are so highly rented, and so unfairly rated, that our hands are tied, because our purses are empty. There is always great competition for every vacant farm, which does not give much colour to the plea of being over-rented. Still, if such be the case, it would be well for landowners, seeing that their own interest is bound up in the welfare of the community at large, to take care to ask no larger rent than, after all deductions made for the welfare of his labourers, and leaving a fair profit for himself, can be regularly paid by a tenant who has capital at his command, and cultivates his land on intelligent principles, and with perseverance and industry. Some say that the land is overrated, and others, of equal authority, deny this. This, under present circumstances, cannot fail of being inquired into, and soon, as it ought to be, fairly adjusted. Meanwhile farmers would be placed in a much better position, and be able to do more for the improvement of the condition of the labourers, if, instead of holding their farms merely from year to year, they had leases granted to them, and had security for a reasonable allowance for any permanent improvements made on their own account; if they had, in short, as it is called, tenant-right. Because I have stoutly taken up the cudgels in behalf of the labourer, the farmers, I know, do not look upon me as their friend. But I am their friend, nevertheless. I am as sure as I am of my own existence that in advocating an improvement in the condition of the labourer, I am the farmer's friend as much as the labourer's friend. This truth, though many of them are now too short-sighted to acknowledge, when they are better educated, as I hope they will be, or else the labourers will overtake them, the farmers will be as ready to admit, as they are now to hail me as their friend in pleading for fair rents and rates, leases and tenant-right. There can be no doubt but that, on the one hand, to improve the condition of the agricultural labourer is to benefit the farmer, and that, on the other, to educate and improve the farmer is one of the first steps towards improving the condition of the agricultural labourer.

I have nothing more now to say, except one word in reply to an

objection which is often made to any attempt to improve the condition of the agricultural labourer. Why do you not, it is asked, throw all your energies into the work of improving the condition of the working classes in London and other cities and towns, instead of wasting them on the improvement of the country peasant, who after all, badly off as he is, is better off than city arabs?

Now, no one can be more keenly alive than I am to the miserable, uneducated, poverty-stricken, and vicious condition of city arabs. I have had some experience of these during three years and a half that I was vicar of St. Nicholas in this city. But because the condition of these is, as is undoubtedly the case, worse than that of agricultural labourers, it does not at all follow that, seeing the condition of these latter is confessedly bad, no steps should be taken to improve it, especially since, as was well remarked in this room when the Poor Law was under discussion, the improvement of the one class is intimately connected with that of the other. It may be that the one can be reached while the other are out of reach. It may be that some, like myself, by being mixed up among them, and for other reasons, are more apt advocates of the agricultural labourer than of the city arab. I see neither sense nor justice in declining to do what we can do for the one, because the other are beyond all reach, or, at least, we are ourselves unable to reach them. When I hear landowners and farmers denouncing all attempts to improve the condition of the agricultural labourer, because the city arab, as being worse off, claims more attention, I am apt to think that this may in some measure be done in order that landowners and farmers may with impunity continue to shirk their own special responsibilities. They put forward as a plea for doing nothing, in a matter in which they might do much, that they are not able in other matters to do all that is needed. While we deeply deplore the bad condition of the population in large towns, and do all in our power to improve it, let us, whose lot is cast in the country, whether clergy or laity, not be deterred by any dust which is cast in our eyes about city arabs from doing that which is practicable, and our special and bounden duty to do, namely, our best to improve the condition of the agricultural labourer. Be it remembered that Great Britain is essentially an agricultural country, and that the backbone of Great Britain are its agricultural labourers. If the backbone of the whole social and political body be kept in such a depressed condition as to be unfit to be even trusted with the franchise to which almost everyone else has at length successfully and with great benefit to the community asserted a claim, the body itself can be scarcely expected to stand stiff and upright. If God spares my life, I hope yet to see the agricultural labourer, in every sense of the word, religious, moral, intellectual, social, and political, made a man of. I want no strikes, no ill will, no disturbance of pleasant relations between farmers and their men. But the matter is too pressing to brook the delay which some persons recommend. I want to see agricultural labourers, at once and immediately, begin to help themselves. And

what I want their betters and employers to do for them is, to help them to help themselves.

On the Same. By Sir EDWARD STRACHEY, Bart.

THIS is the question now for discussion. And first, what is the condition of the agricultural labourer? for of this there are two very different accounts. There is the account given by good-humoured lords and squires, who, being very comfortable themselves, take it for granted that other people must be comfortable too; who look on their bailiffs or gardeners as fair average specimens of the agricultural labourer; and, on the lodges at their park gates as specimens of the ordinary labourer's cottage; and who call on us to generalise from these, and so form our conception of the condition of the agricultural labourer. I have seen the portraits of this labourer among sheep and shepherdesses, on old china plates; and I have heard that he may occasionally be found dancing in blue satin breeches in some rural scene in an opera; but the agricultural labourer of actual life is a very different personage—

“To him life's cup has been dealt in another measure.”

The average agricultural labourer, working for the average tenant farmer, is a man earning in these southern counties from nine to eleven shillings a week, when he can get work, with three or four pints of cider daily. The selling price of the cider may be one shilling and sixpence a week, but its value to a man who has not the choice of taking the money instead, I should deny to be worth reckoning at all. At harvest time he earns two or even three shillings a week more, with unlimited cider; but as a considerable proportion of labourers are unable to get constant employment through the year, and even of those who are so employed, the greater number have to submit to deductions, when bad weather, illness, or other causes beyond their control, prevent their working, this additional harvest money cannot be taken as more than a set-off against those deductions, leaving the probable yearly average at the rates I have mentioned, of from nine to eleven shillings a week. When the wife takes to field labour, and the boys are sent to work instead of to school, their earnings must be added to those of the man; but these earnings cannot be taken for much when we consider the pecuniary loss which must ordinarily result from the general demoralisation of such a family; the wife withdrawn from all home duties, and the children growing up in brutish ignorance. And I venture to doubt whether the bare wages of a man, with a decent wife at home and children at school, would not practically go as far as the joint earnings of husband, wife, and children, when those earnings can only be obtained by the sacrifice of so much human, as distinguished from animal, existence. In such a family the beerhouse soon becomes a necessity of life, not only to the husband but to the wife, and at an early age to the children too; and we may often set off

the expenses of the beerhouse against these earnings of the wife and children. The agricultural labourer pays from one to two shillings a week for his cottage, according as it may or may not have a garden; and he has often to walk two or three miles to and from his work, each morning and evening. When he is ill, if he has been provident enough to join a club while in health, and if the club has not failed from the original worthlessness of its rules and tables, or its subsequent mismanagement, he gets from it medical advice, and, if unable to work, a payment of usually from six to three shillings a week; and, to supplement this, or in place of it if he has no club, he obtains relief from the poor-rates. And if he lives on to old age, he receives two or three shillings a week from these rates, on which to maintain himself when past work. In the Union with which I am connected, and which is one of the most liberal in the county, he gets half-a-crown a week, to provide himself with board, lodging, fuel, and clothing. If he dies in earlier life, the poor rates maintain his widow and his children, in as far as it is proved that they cannot be maintained by themselves or their relatives. This then is the economical condition of the agricultural labourer, omitting the extreme cases of distress as well as the exceptionally favoured ones:—an income of from nine to eleven shillings a week, on which to maintain a wife and children, providing them with house, food, fire, and clothes, with an allowance of half-a-crown a week when he is past work, and a pauper's funeral at the end. What then is his intellectual, moral, and social condition? His school education is the least possible in amount and value; for he is for the most part taken away from school at the age of nine or ten to begin work, and while with his slow and inactive intellect he cannot have acquired much school knowledge by that time, the little he has acquired is generally lost again for want of exercise and use. The intellects of our children are sharpened by infinite daily and hourly influences from everything that exists and goes on around them, before they begin to learn from books and slates and maps; and while they are still in course of acquiring this learning, they are applying it at every moment of the day to all they see and hear, till reading, writing, and arithmetic, at least, become possessions and powers which they use almost unconsciously, and as if by the spontaneous action of nature. But this is not the case with the peasant. We all know the discussions—the quibbling discussions I must call them—as to whether the men and women of this rank can sign their names but are deterred by nervousness from doing so. No one who has seen one of these people painfully writing letter by letter, with much effort of mind and hand, can call that writing, in the sense in which we write in the transaction of our ordinary business, handling the pen as easily as the labourer does the spade. The agricultural labourer is, I say, for the most part without school education in any real sense of the word; some small education he has in his work and his experience of life, especially if he is open to religious influences; but within what narrow limits of life and action, and

consequently of thought and of mental cultivation through experience, is he shut up! The moral condition of the agricultural labourer unites (sometimes in the same individual) many noble virtues—even industry, economy, sense of duty, endurance, self-denial, self-sacrificing kindness to his fellows, as well as affection for his family—with the coarsest conviviality of the beerhouse, and notions and habits, as well as language, as to the relations of the sexes which belong to a low type of civilisation and humanity, often not much higher, nay, sometimes lower, than the conditions of mere animal instinct. Of his social and domestic condition, we may say that he has often no choice but to live in a hovel, where the comforts of tidiness, and cheerfulness, and decency, are impossible, and we cannot wonder that 'the temptation to go to the beerhouse, with its fire, and its lights, and its joviality, is too strong to be resisted; while the consequences for him and for his family we know too well.

The agricultural labourer is not a serf, yet he is hardly a free-man; for he is practically, nay legally, as far as the Poor Laws concern him, bound to the soil; bound by poverty, ignorance, a general limitation of all his views of life, and a chain of circumstances which it is beyond his power to break. Yet we must not forget—your presence here to-day declares that you do not forget—that he has in him all the capacities, latent and undeveloped though they be, of freedom, independence, and manhood. Well has Mr. Carlyle said—"Venerable to me is the hard hand; crooked, coarse, wherein notwithstanding lies a cunning virtue, indefeasibly royal, as of the sceptre of this planet. Venerable, too, is the rugged face, all weather-tanned, besoiled, with its rude intelligence; for it is the face of a man living man-like. Oh, but the more venerable for thy rudeness, and even because we must pity as well as love thee! Hardly entreated brother! For us was thy back so bent, for us were thy straight limbs and fingers so deformed; thou wert our conscript on whom the lot fell, and fighting our battles wert so marred. For in thee, too, lay a God-created form, but it was not to be unfolded; encrusted must it stand with the thick adhesions and defacements of labour; and thy body, like thy soul, was not to know freedom. Yet toil on; toil on; thou art in thy duty, be out of it who may; thou toilest for the altogether indispensable, for daily bread."—*Sartor Resartus*, III. 4.

But how can we improve this, the condition of the agricultural labourer? This is the question we have to ask ourselves to-day. I reply, the first thing is education; the second, education; the third, education. Higher wages, comfortable homes, provision for sickness and old age, social intercourse without brutish drunkenness, and, in a word, a general elevation in the scale of life, all are not only possible, but certain, fruits of education. After all the attempts to build good cottages to pay interest for the outlay, the fact remains that no agricultural labourer can pay remunerative rent for a cottage fit for a human family to live in, with his present rate of wages. It

is an act of charity, not a commercial transaction, to provide a labourer with a decent cottage. And since such charity must be the exception, beyond the means, where it is not beyond the inclination, of the great majority of employers, there is no remedy for this but in the labourer becoming able to demand higher wages, wages sufficient to pay a proper rent out of. This he will be able to do when he is educated, whether because his labour will be really worth more to his present employer, or because he will know where to find a remunerative market for it, even if he have to seek it across the Atlantic. Education will open to him, as it has done to us, whole regions of social, political, and literary interest and occupation for his mind, in the discovery of which the low enjoyments of the beer-house will become as untempting to him as they are to us. Education will bring providence with it, where increased means of living have first made providence possible; and the labourer will learn to lay up for sickness and old age, instead of trusting to the Poor Law, which now gives him, in some degree, the material, while it deprives him of all the moral blessings of such providence. Nay, when the poor man, in his present uneducated condition, does make an effort thus to help himself by joining a village club, nothing shows his need of education more than the fact that his want of intelligence allows him to accept worthless tables and rates, which give him no real security for the results he expects and pays for. Those of us who sit on Boards of Guardians, are familiar with the touching incident of the man who has long struggled to make an independent provision for himself by means of his club, only to find it fail in his hour of need, and leave him no help but the Union.

But education must be given; in this, as in every case, those who need it most are least able to provide it for themselves. It must be provided by others—it is beginning to be so provided by those leaders of their age who are able and willing to devote time, thought, and wealth to trying beneficent experiments in the improvement of the condition of these men and women, as others devote their powers to the improved culture of their estates. And, as their experiments sift out right from wrong methods of action, these must be applied by legislation to the whole country—to that larger mass which cannot be directly affected by individual efforts. I shall not attempt to propound definite schemes to this end: I will only mention among possible legislative and administrative aids to the improvement of the agricultural labourer's condition, the restoration in a form not open to the old objections to the system, of cottage homes and farm apprenticeships for pauper children, the eventual deliverance of the labourer from dependence on the Poor Law by the expansion of the Post-Office Saving Banks into Benefit Societies, with valid tables and Government security, to provide for sickness and old age; the adaptation of the Factory Education Acts to the employment of children in agriculture, and, its counterpart, the providing efficient schools—night schools as well as day schools—in every parish where they do not already exist. And then, when the agricultural labourer

has become really educated, he will be able to get his fair share of all other things for himself—claiming them as the rights of an independent man, not receiving them as the favours of a lord to his serf.

SIR BALDWIN LEIGHTON read a paper on the same subject. He had been led to examine the statistics of a union in Devonshire in order to discover whether it were true, as had been stated, that the agricultural labourer, when from increasing years he was incapacitated for labour, had nothing to look forward to but the workhouse. He had found that out of 100 adult males, thirty-four only had been agricultural labourers, while forty-eight had been inhabitants of the towns. This showed that the condition of the agricultural labourer, low as it is, was certainly not worse than that of the labourers in towns. The same result was pointed to by the fact that while in towns the death-rate varies from twenty to thirty per 1000, in rural districts it is with few exceptions under twenty. In regard, therefore, to health, surely the most valuable acquisition a man could possess, the agricultural labourer was better off than the townsman. With the view to bettering his condition, the writer suggested that every opportunity should be given to a labourer to obtain a good cottage. To this cottage it was always desirable that there should be a garden attached. Landlords could do hardly anything more conducive to the health and well-being of their tenants. It would also assist very much as an incitement to the good conduct of the labourer if, on every considerable estate, there were cottages with land attached sufficient for the keep of one or two cows. This was a great inducement to the labourers, and their wives to save money, and did much to encourage those habits of thrift, from which more was to be hoped for the future well-being of the agricultural labourer than from any other source. It was desirable also that there should be a certain fixity of tenure. To ensure this it was necessary that the cottage should be held direct from the landlord, and that it should not be let with a farm. There were now good opportunities of education for the children of labourers. Clothing clubs, coal clubs, and similar institutions, were also of great benefit to the poor, inasmuch as they taught the people the value of thrift, and brought the labourers into contact with the squire's and clergyman's families. By this means opportunities were afforded parents for obtaining situations for their grown-up families, thus at once raising them in the social scale, and rendering them better able to assist their parents in sickness or old age. The clothing, the habitations, the food, and the wages of the agricultural labourer were even now superior to what was the case formerly, as the statistics of the Poor Law will show. It is not by giving him charity, but by the encouragement of sobriety and good conduct, by showing him how by his own

exertions he may raise himself, that the writer hoped to see his condition improved. The paper concluded by showing that while much remained to be done, the condition of the agricultural labourer had been very much bettered during the last forty years.

DISCUSSION.

Mr. WILLIAM BOTLEY: I quite agree with Canon Girdlestone in respect to the cottage and land system, and also respecting the rating of farms. I am a small landowner, but I quite concur with Mr. Purday that the land is not bearing too much of the burden of the local rates. My reason is that the land is immovable. My other property I might remove to Canada or any place where taxation is less; but the land must remain. And the land is increased and improved in value by the manufacturers and persons located on that land and in its neighbourhood. I will give another reason. I have two small farms. In the years 1839 and 1840 those farms were let on leases which have recently expired. I had certainly improved them at my own expense; but, on the expiration of the leases, the tenants and other people offered me as near as possible double the rent at which they were let in 1839 and 1840. Land is continually improving in value, and therefore it is not bearing more than it ought to bear. When I read my paper at Exeter, Sir Stafford Northcote, who was in the chair, did me the honour to say that the paper had treated more of remedials than any other paper; and perhaps I should not take up too much time by saying a few words on those remedials. First of all we should try to improve the condition of the agricultural labourer by improving his education, and much may be learnt in this respect by what is done in Scotland, Switzerland, and Prussia. Then I would make it compulsory to have a sufficient number of good cottages on each farm, according to its requirements, and every cottage should have sufficient garden ground to raise the vegetables necessary for the family. With regard to wages, I am glad to see that, generally speaking, they have much improved of late. You will find in the last published report of the Royal Agricultural Society, that the labourers in Staffordshire and many other places are very much improved; but still much remains to be done.

Mr. TENNANT desired to offer some observations from a tenant farmer's point of view. He wished the section to understand that he was a tenant farmer in that deplorable part of England where they were told that the labouring man and his family existed on 9s. a week. He came from the eastern counties, and he must say that he and others were very much hurt at the reckless statements which were often put forth in regard to this matter. As a single ounce of fact was worth a pound of theory, he would at once state in general terms what was the condition of the agricultural labourer in Huntingdonshire and Cambridgeshire; and he supposed Norfolk and Bedfordshire would be very much alike. He had held a farm of 320 and 330 acres for the last twenty years, and during that period he had yearly paid 540*l.* or 550*l.* to work it, giving each man an average of 17*s.* or 17*s.* 6*d.* a week—that was taking the whole year, including harvest and other extra times. But two or three of his men were single men, who did not receive more than 14*s.* or 15*s.* a week, and, consequently, the other men with families received more—18*s.* or 19*s.* a week. This was not payment made to the man alone, but the amount that went into the hands of the whole family. They all agreed, however, that the condition of the agricultural labourer was not what it should be, and that something should be done to improve it. The first thing he needed was education. There was one point to which he wished to draw the attention of the section, because it had not been fully brought out on the present occasion; he referred to the half-time system. The great means of improving the education of the agricultural labourer was the half-time system, and there was not the slightest objection among farmers to its introduction to farms. It was not only the most practicable, but absolutely the best plan. A boy up to fourteen years of age ought only to be employed by half-days. The following was the present state of things. When a boy got to the age of nine or ten, his labour was worth 2*s.* 6*d.* a week, and he was taken away from school to augment the earnings of the family, and

then he lost the education which he had received. Therefore something was required to bridge over the interval between the ages of ten and fourteen; and if farmers were prohibited from employing boys under thirteen or fourteen years of age more than half a day, that they might be able to attend school the rest of the day, he believed that would practically, and without any great injury to farmers, or to the families, meet the case. The idea, however, of taking away boys absolutely from agricultural labour—for they procured a large proportion of the earnings of the family—was perfectly chimerical and absurd. They could not take away two boys from a family who perhaps earned 6s. out of 18s., the whole income of that family. Then the reason why so little desire was manifested by labourers to save money, was the fact that there was scarcely any chance of their being able at any time to invest their savings in land. He did not believe small tenancies would be a good thing; but if an agricultural labourer could see a chance when sixteen or eighteen years old, of saving sufficient money to get an acre or half an acre of land for himself, that would be a thing that would stimulate his savings.

In answer to a question put to him,

Mr. TEBBUTT said he believed a lad that only worked up to one or two o'clock in the day, would practically earn the same wages as if he worked all day.

The Rev. Dr. RIGG: I am glad, indeed, the last speaker finished as he did, for I think he then struck the right note. I am perfectly convinced myself that the only effectual way of dealing with this question, is to let there be within sight of the labourer, from the time he is sixteen or seventeen years of age, the possibility, by dint of hard saving, of acquiring some little property in land. Of course the usual palliations have been brought forward, or hinted at, this morning. It is said that the labourer lives long but I submit that that does not touch the question in the least degree. The labourer may live long, but we are concerned with the manner in which he lives. How does he live? Canon Girdlestone's statement, so far as it respects the south of England generally, has been corroborated by Sir Edward Strachey; and I believe there can be no question as to the general truth of the statement. The facts of the case are, I presume, too notorious to be invalidated by a single fact from any quarter whatsoever. I know England pretty well; and, no doubt, in the eastern counties the wages are much better; indeed, the whole state of agriculture is much better there. But even in the eastern counties there are circumstances to prove that the condition of the labourer there is not all that can be desired. As respects the north of England—the extreme north—we find there the agricultural labourer in a condition which is vastly superior to what we find in many other parts of the country. No doubt, too, the actual work done by the agricultural labourer bears a very exact proportion in general to the amount of wages which he is in the habit of receiving. There can be no doubt that, as a rule, the work which is done by the highly paid labourer is actually worth as much again in wages as that done by the labourer who is paid at such a low rate. But I believe that the farmer of the southern districts of England can just as ill afford to raise his wages, speaking generally, as any other employers can afford to raise their wages who are not making excessive profits. I, for one, therefore, do not look to the farmers for the settlement of this question. Let us deal with the matter on the proper principles of economy and trade. As to leases, I believe that the farmers throughout the kingdom would not largely add to their profits by exchanging their tenure nominally at will for a tenure held by lease. They would, no doubt, greatly add to their independence, but I apprehend, that taking the country through, they would scarcely add to their profits, or the ease and pleasure with which they went through their duties. A tenant farmer under Lord Yarborough is a man more likely to make larger profits than multitudes of farmers fortified by long and strong leases. Neither do I think we shall derive any assistance by looking to the benevolence of landlords any more than to the benevolence of tenants. Sir Baldwin Leighton has shown us how the condition of the labourer may certainly be improved and alleviated by landlords who give their attention to the subject: but we have learnt sufficient to make us object to leaving entirely to the administrative ability, to the conscience and to the enlightenment of the residential landlord, whether or not the peasantry who are upon his estates should have the

rights which belong to their condition as men and as citizens. I think it is sufficient to put out of court that series of palliatives to which Sir Baldwin Leighton has referred. I am sorry to say that though I am connected with the work of education—and I have studied it for many years—I do not believe, as Sir Edward Strachey has taught us this morning, that the work is to be done by education from first to last. Let us realise facts before we simply use formulas. Let us ask ourselves what it is to bring education within the reach of the working classes—what it means, and by what process it is to be certainly secured; and especially such an education as Sir Edward Strachey has spoken of—an education which is to make them understand, which is to open to them far distant spheres of labour. Now I would rather trust to the education of institutions than I would trust to the education of schools. I believe the only way really to meet the case is, to conjoin the education as it is afforded at schools with the education which is supplied by means of national institutions. I believe you cannot keep these children at school long enough to give them the education the Canon has spoken of.

Mr. T. W. SAUNDERS said there could be no doubt that in many parts of the country the wages of the labouring man were not sufficient to support him in that condition in which he ought to be supported. Why was this? Because the farmers did not pay them enough. There was the simple question. He had heard a great many suggestions about educating the labouring man, and about his putting money in the savings bank, and letting him become a proprietor of land, but this was altogether absurd. How, then, was the condition of the labouring man to be ameliorated? He would tell them a better method of doing it. Let the farmers pay the labouring man better. Land was immensely increasing in value in this country, and every time a farm became vacant the landlord put it up 25 or 50 per cent. He knew a land proprietor who uniformly put up his land 50 per cent. It then might be said that the farmer could not afford to pay the labourer better, and perhaps that was true. The landlord consequently should refrain from increasing the rent of the farms, and make a stipulation that the labourers on them should be better paid. Landlords expected to get more rent than they ought to get, and then the tenants screwed down their servants. The labourer could not protect himself, for there was no means of combining together in a trades' union. He was fixed to the place where he was born, and, not being able to contend with the farmer, he must take what the farmer chose to give him, and he was kept down to the minimum point. Before the passing of the Act in 1834, so little scrupulous were the farmers, that it was not uncommon to pay the labourers no more than 4s. or 5s. a week, and they got the rest that was necessary to keep them from starvation from the poor rates. The Poor Law, however, declared that there should be no out-door relief to able-bodied paupers, and consequently the farmers were compelled to increase the wages of the labourers.

Sir JOHN BOWRING testified to the industry and truthfulness of Canon Girdlestone, in all his proceedings relative to the agricultural labourer, and remarked that he had done himself infinite honour by his meritorious exertions. It appeared that there was a general concurrence in the opinion that the state of the agricultural labourer was not what it ought to be. They also agreed in this that the position of the labourer in the east was very different from that in the west, and the labourer in the south was very different from the labourer in the north. Then it appeared to him that they came to the application of the great principle of political economy—supply and demand. To that they must ultimately look for the solution of this seemingly embarrassing question. The labourer should look to other portions of the world, where he would find boundless facilities for improving his condition. Half the world consisted of untenanted forests and uncultivated fields, and, if the labourer would look to them, great results would flow out of it. But he had great stumbling blocks of helplessness and ignorance standing in his way. Knowledge must be associated with the facilities that might be afforded him for locomotion.

Mr. URCARE, of Collumpton, contended that there was not so great a discrepancy between the wages paid in one part of England and in another as had been stated. Competition was far too keen to admit of such a difference. Where it was stated that one labourer received a comparatively large sum as his weekly wage, it was

not simply the man's own earnings, but the united earnings of the family. He then expressed his disapproval of part payment of wages in kind. He believed the practice of making such a payment was confined more particularly to the west of England, but the labourers had become so habituated to it that they were disinclined to seek any alteration. To make up the wages of labourers by an allowance of cider was very prejudicial to their interests, and the comfort of their families. He concluded by expressing the opinion that the Factory Act should be extended to agricultural operations generally.

Mr. GEORGE HURST expressed his belief that the agricultural labourer was much better off than he was many years ago, within the recollection of many present. "The farmers were now beginning to understand that it was to their own benefit to get good cottages for their labourers; and landlords no longer pulled down cottages in order to drive the poor labouring man from his estate. As to the wages, they must be regulated by supply and demand; and if they could, by any means, diminish the number of agricultural labourers, as a matter of consequence wages would rise. Sir Baldwin Leighton had thrown out some very valuable hints, and his system of allowing to the industrious and saving poor man a small piece of land, so that he might have a chance of, in some degree, advancing himself, was a very good one and worthy of adoption generally. He was of opinion that the allotment system had done, perhaps, more than anything else to better the condition of the labouring man. He could point to a parish where it had worked a wonderful change; but one great drawback was the demand for higher rent which the landlords sometimes charged the labourers for allotments, compared with the rent for which land was let to other men. He had made much inquiry as to how much land a labouring man was able to manage, and he had heard from working men that they were only too anxious to get an acre, two acres, and three acres, if possible. They might begin with a rood or half-an-acre, and, as their means increased, a larger portion of land might be allotted them.

Papers by Miss Louisa Boucherett and Miss Florence Hill, on "The Boarding Out of Pauper Children in England," were here read.*

Sir STAFFORD NORTHCOTE, Bart., said that the principal object which he had in view in wishing to rise was to say that in this, as in all other discussions, the question of the facts of the case was of course the most important of all questions: for they really could not deal with a question of this sort unless they were pretty sure of the facts. He thought everybody must have observed in these discussions that, while there was a good deal of interest shown, and sometimes even a good deal of heat shown in the discussion, there was a good deal of uncertainty as to the statement of the real condition of the labourer, and they heard it said some times that a labourer received 8s. or 9s. a week to maintain his family upon, and at other times they were told that the average was 9s. or 10s. a week, and sometimes 11s. Then there was the question whether the wages stated were the wages of the man himself, or the united wages of the family; and further whether those wages were supplemented by certain advantages, such as diminished cottage rent, allotment grants, an allowance of cider or other articles of food? Another question was, when it was said that a man received 10s. a week, did he receive that amount for the whole of the fifty-two weeks, or were there certain periods in the year when he was unemployed, and when he got nothing? All these things materially affected the subject under discussion. He wished to say that, at the close of the discussion which took place on this subject in the meeting of the British Association, at Exeter, this year, a small committee was appointed for the express purpose of investigating this subject very carefully. That committee consisted of gentlemen extremely well qualified to conduct such an inquiry. Their names were:—Dr. Farr, who drew up the reports for the Registrar-General, and who was very familiar with statistical questions; Mr. Purday, the statistical authority at the Poor Law Board, and who had access to all the official documents, and who had paid a great deal of attention to the subject; Professor Rogers, who had written largely on the question and taken a warm interest in it; Mr. Acland,

member for North Devon, who had paid a great deal of attention to the subject; and Mr. Edgar Bowring, son of Sir John Bowring, Assistant-Secretary to the Board of Trade, and connected with the South Kensington Museum. This step having been taken, it was not his intention on the present occasion to go into the question on inferences more than was absolutely necessary. The questions were—What was the actual rate of wages received by labourers of different classes in the country? How did the rate now received stand in proportion to what they received at former periods? Because it was, of course, very important to see whether the rates were going up or down. Another most important question was whether the wages now received gave him an increased or diminished command over the necessities of life; because it was not a question whether the wages labourers received varied from 8s. to 10s., or any other sum per week, but whether a man got more food and better clothing, and so forth, for his wages, whatever they might be, than he got some years ago. Now, upon all these questions accurate information was necessary, and he suggested that they should avoid, as far as possible, recrimination upon questions of fact; for people did not get much further by indulging in the angry remarks that were sometimes made. His own firm conviction was—and he believed there was no doubt about the matter in the minds of all persons—that the condition of the agricultural labourer was inferior to what they wished it to be. He was sure that, whatever their difference of opinion might be as to the mode of improving the labourer, they all agreed in desiring to improve him; and they ought not to be so extremely angry with each other because they differed as to the suggestions that were made. What they ought to do was to consider the suggestions that had been made, to test them by examination, and to see which were practical and which were not. The principal thing was to improve the quality of the labour. They believed that, by improving the condition of the labourer, by giving him a better education—one suitable to his condition—and by impressing upon him habits of industry and providence from the first, they might do a great deal to make his labour more valuable. He would not say more at present, except to earnestly counsel them to wait until they got the facts really ascertained before proceeding to dogmatise upon them. With regard to suggestions, these had better be discussed as freely as possible, because every suggestion had some method in it, and was worthy of consideration.

Mr. CROSSMAN objected to the proposition that the agricultural labourer was a man very badly off; indeed, he objected to its being stated that the agricultural labourer was a man very much worse off than any other kind of labourer. He wished particularly to direct their attention to the fact that the agricultural labourer was not a skilled labourer; he was not in the position of a mason, or carpenter, or any other man engaged in a mechanical trade. Town labourers did not, as a rule, receive on an average more than 18s. a week, he believed; but then they had larger expenses in the town than the agricultural labourer. The labourer in the district from which he came got on an average 12s. a week, but he had in addition to that, his garden, his pig, and very often the wife had a little washing to do. The family also had so many loads of potatoes, which formed, perhaps, its staple support during the winter. Under these circumstances, he contended that a man with 12s. a week in the country was as well off as a man with 18s. a week in the town. They must also recollect that the rent of a man's house in the town was treble that of a cottage in the rural district. Then the agricultural labourer was a remarkably contented man, and there was no man who really more respected his master than the agricultural labourer in the majority of instances.

Mr. BRACEBRIDGE approved of the suggestion to provide labourers with gardens sufficient to engage their leisure time. It was not true that they were not able to subscribe to clubs. In his neighbourhood clubs had been very serviceable to the labourers. He also thought it would be a great advantage to them to set aside a piece of land for their common use, in order that they might graze cows of their own upon them.

Mr. F. RIDON, a working man, approved of Canon Girdlestone's efforts, to remove labourers to parts of the country where they could earn higher wages, and thanked the reverend gentleman for the manner in which he had stood up for the labouring classes generally. They required education, and when freed from the

bondage of ignorance they would soon strive to obtain better labour, and better dwellings to live in. They would then learn the value of combination, and that a single man, isolated from his fellow workers, had no power whatever. He believed that trade unions, rightly conducted, would do both the employer and the employed good, especially if established in conjunction with courts of arbitration.

Mr. F. COOTE thought the labouring classes could do much themselves to ameliorate their own condition. He lived in a village of 1,000 inhabitants, where at least 500*l.* a year was spent in the article of beer alone. When he first made a statement to that effect, it was challenged by a brewer of the neighbourhood, but that brewer, after making his calculations, came to the conclusion that 100*l.* was nearer the mark than 500*l.* Well, if the notions of the labourers as to their enjoyments could be elevated, much would be done for their benefit. He would be extremely glad to see landlords insisting that a field should be set apart in the parish for the games of boys and young men, in order that they might not be driven to the skittle-grounds of the public house. Much more might be done by establishing flower shows, and giving prizes for the best cultivated allotments. The allotment system had considerably improved the parish in which he resided. The ladies, too, might lend a helping hand, by assembling the women at mother's meetings, and giving them instruction, for they were sadly ignorant as to the most ordinary duties of life.

Colonel GRANT addressed the Section on the boarding-out system, and the progress it was making in Bath. The master of the Union, though formerly opposed to it, was now strongly in favour of it. He was surprised at the respectable class of people who applied for the children, and there was not the slightest reason for believing that they were taken for gain. People who had no children sought one at the Union, and sometimes people who had lost a child sought to replace it in this way, and they took to the children as if they were their own. However well a workhouse might be managed, it was impossible to give the children in it the training which they would undergo in a private family. There was an absence of that individuality which was so necessary in training a child; and there could not be in a workhouse that individual love which was to be found in a family. Love was as necessary to a child as light to a plant. They might grow a fungus in a dark cellar, but to produce a beautiful flower they must have light. They might produce a mechanical being in a workhouse, but really to bring out the natural affections of a child, to cultivate it, and to bring it out into the world as it ought to be brought out, it must have domestic training. This was the reason why the boarding out system was advocated. Workhouse training did not fit a lad for the world; and when he was sent out, after having been shut up for ten or twelve years, there was no wonder at his becoming frightened, and running away, or turning out stupid, or really bad. What he had seen of the boarding-out system had gratified him more than anything that had occurred in a not very short life.

The Rev. S. J. EALES entirely sympathised with the movement for boarding out children, and, at the request of Colonel Grant, in his parish he had endeavoured to do what he could to find people to take the children. There had, indeed, been more offers for children than there had been children provided. The system had been treated as a new idea, but he would remind the Section that before the present Poor Law, for centuries the custom was to board destitute children with the farmers.

Mr. GORST thought the subject was not properly discussed and understood, unless some mention was made of what had been done for many years past in Ireland. There might be many persons present who were not aware that this system of boarding out had been practised in Ireland by what was called the Protestant Orphan Institution. It had been tried for many years and with marked success. The extreme fondness that the foster-parents so very soon acquired for the children was remarkable, and in process of time the children actually lost all idea of their being orphans, becoming entirely members of the family in which they found themselves. Ill treatment, he believed, had never been heard of, and he had made special inquiries in regard to this point. Further, when sometimes from want of funds, or some other cause, the payments were dis-

continued, the foster-parents in numerous instances still kept the children as their own, taking the whole expense of the education and maintenance of the little ones on themselves. This subject well merited the serious attention of all who took an interest in questions affecting the poor of the country, and he strongly recommended for perusal a little book, entitled "The Children of the State," which contained a short account of the systems pursued in various countries, as well as facts and statements sufficient to meet every objection which could be raised against the system.

Mr. F. HILL here read a paper contributed by Mr. W. D. Esterre Parker.

Rev. Canon GIRDLESTONE, in his reply, said he hoped he might be permitted to give his most cordial and heartfelt thanks to Miss Florence Hill, for the very able paper in which she had advocated a change, the importance of which could scarcely be over-estimated—a change which would remove young children from the contaminating influence of workhouses, and put them amid the beneficent influences of home treatment and home education. One objection to his paper was that he had said that in Devonshire the poor rates had been used to supplement wages, but he had lived in various parts of Devonshire, and if there was any doubt in his mind as to the accuracy of that statement, there was certainly none regarding his own neighbourhood. It had been said that the wages of the agricultural labourer were dependent upon supply and demand; but it should be borne in mind that the labourer must sell his labour at once, and must, therefore, take what he could get for it; because if he were to wait for a good market and a good time, he would starve. Somewhat had been said about agricultural labourers being long-lived, and he had no objection to the statement. But a long life and a healthy enjoyable life were two different things. In Devonshire, there were multitudes who were cripples from rheumatism or other causes, so that they were unable to do any work; but during twenty-five years' residence in Lincolnshire he had not one tithe of such cases. Then with regard to the amount spent in beer, he was bound to state that in Devonshire sobriety was the rule, simply because the poor people had nothing to spend in beer; the money they had was too little even to provide the necessities of life. They, therefore, had not any time nor any money to spend upon those enjoyments which some people had recommended as a sort of panacea for the miseries of the agricultural labourer. In regard to the objection urged in rather strong language, to the effect that he had stated that the state of agricultural labourers was exactly the same over the whole of England, he would have thought that the fact, which was well known, and which he stated in the Colson's Hall, that he had actually removed 150 families from his own neighbourhood into different parts of England, to Northumberland, Durham, Lincolnshire, and other counties, where they received higher wages, was sufficient to prove that he was fully aware that the wages of agricultural labourers were different in different parts of England. That charge must, therefore, at once fall to the ground.

Sir BALDWIN LEIGHTON, Bart., in the course of his reply, observed that he was a practical man, and asked how the wages of the labourer were to be increased. If they would go to their bakers and butchers, and other dealers in agricultural produce, and say that where they paid ninepence they would give a shilling, so that the farmer might receive 25 per cent. more for his produce, then they might fairly ask him to increase the wages of his labourers, but not until that was done. He could not see what difference there was between his county and Devonshire. His labourers—a large proportion of them, at any rate—had saved money. As to the possession of cottages by the agricultural labourer, it was to be remarked that in almost every instance he had a partner with him—who was far more rigorous than the landlord—who insisted on having the interest paid, and who, if it was not, foreclosed the mortgage. It was astonishing how few cottages were not mortgaged. It was further said that the cottage should be upon the farm, but it was impossible to have that done unless they made the cottager a serf. He had always been willing to let the farm labourer go where he could get the best wages, and he had constantly removed from his neighbourhood, and sometimes he had returned to it. All the surplus population went out; for his parish, containing 700 inhabitants, had only increased thirty-five during the last thirty years. He gave credence to the statement that in many places wages were supplemented by out-door relief, because the guardians were willing to give a little money to a man who could work.

Dr. LEWIS urged that inducements should be held out to the labourers to hold their clubs in other than public houses; and that coffee-rooms, where innocent enjoyment could be had, should be established. Then much might be done by farmers allowing the families of the labourers a supply of milk, for that was a most important article of food. No children could be well brought up in that class of life without milk, or some substitute for it. He expressed his disapprobation of the system of paying labourers in part with cider, though he was of opinion that really good, sound cider did supply the vegetable material that was wanted in the system, especially in those districts where vegetables were very scarce.

The CHAIRMAN expressed his approval of the system of boarding out destitute children. While he admitted the advantages that would accrue from giving the agricultural labourer a good education, he thought it was a waste of time to argue about providing this education for a class of people who were placed in the deplorable condition that the whole of their time and energies were occupied in endeavouring to earn as much as would buy food to satisfy the cravings of hunger. The mind of a man who had spent twelve hours in heavy labour, on scarcely sufficient food, was not in a state to receive education. Then it had been said that the farmer could not afford to give higher wages nor diminish the hours of labour, so that a man might earn something to lay by. He thought that was a mistake. One thing a person of intelligence would learn if he travelled from the city of London to Dublin. In London he would observe one man driving four immensely powerful horses, and thus by his agency moving along six or eight tons, but on landing in Dublin he would see one man to each small vehicle, drawn by but one horse. Consequently productiveness of human labour in London was four times that of human labour in Ireland. He therefore asked whether, in agriculture, machinery might not to a greater extent be applied, and whether a little more skill and ingenuity generally might not be brought to bear, so as to make labour more productive. If it were done there would be more to divide between the employer and employed. This was the case in America, where, owing to the scarcity and high price of labour, the farmer was obliged to use machinery to a greater extent. It was the same in Australia. There, when labour became dear, five shears were attached to the plough, and six or eight horses were put to pull it, and there was only one man to look after it. He had had some experience in employing labour, both in Australia and in this country, and the result was that whereas he paid five shillings a day for a single labourer in Australia, he now paid five shillings a day for two labourers in Devonshire, and he had no hesitation in saying he got more work done, and better done, for his five shillings in Australia by one man than in Devonshire, where he employed two men for the same amount. The fact was that it was the same with human beings as with horses; they could not do a good day's work unless they were properly fed and housed. Let the experiment of piecework be tried as much as possible, and then see what the labourer would do under better conditions. It would be found that a vigorous labourer would do more work, and better, in eight hours than he did now in twelve, that his body would not be so exhausted and prostrated, and that the farmer would not lose money, while the position of the labourer would be raised.

INTEMPERANCE.*

Intemperance, and the Remedies which lie within the Scope of Voluntary Effort.

IT is wholly unnecessary, as an introduction to the argument of the following paper, to enter into detail upon the evils of intemperance. Those evils are so well known, and the necessity of dealing with them by prompt and energetic means, is so generally acknowledged, that a very brief reference will suffice.* No fact in

* See *Transactions*, 1867, p. 691.

the whole range of Social Science is better established than this, that the predominating cause of pauperism and crime is intemperance. The testimony of magistrates, judges, and others who have the best opportunities of observation, and the results of all properly-conducted inquiries, are concurrent in this view. The report of the Committee on Intemperance, appointed by the late Convocation of the Province of Canterbury, contains a mass of well-authenticated evidence, fully confirming all former reports on the subject. No thoughtful mind can rise from the perusal of that evidence, but with a feeling of amazement that evils so widespread, and so deeply seated, should have been so much and so long neglected. The public mind appears at length to be awakened, and only waits for proper direction as to the action to be taken. It is seen that we have a growth of pauperism for which the commercial depression of the last few years is not sufficient to account; and crime is assuming proportions and an audacity, that call for extraordinary and severe legislation. Many able men are offering what they conceive to be appropriate remedies; and it is of the greatest importance that they start upon the work of reform with a clear apprehension of the whole case, from the first producing causes to the final results, or much valuable effort will be lost. It is confessed on all hands that intemperance is the parent of a numerous and ill-favoured offspring; but it may be doubted whether in influential quarters any attention has been paid to the more hidden and less apparent causes of that intemperance.

Even more than this; it may be safely said that the evils have not been appreciated in their full magnitude, and in their relation to each other. The connection of intemperance with vice, destitution, and misery is recognised, but it is rarely that our public writers look upon the economical results; upon the consequences of so much wealth being diverted from its legitimate field of employment, and turned into the channels of waste. This is a view of the question seldom discussed; and, when it is, much ignorance is manifested by those who enter upon it. Intemperance is seldom considered in any other than its moral aspects; but the subject, in relation to economics, is interesting and important in the highest degree. When we hear so much of over-population, and something of over-production, and when emigration is openly proclaimed as a necessity of our national existence, is it not well to inquire whether we are making the best use of our resources, and whether, if we were to do so, we could not maintain in comfort our present, and even a much larger, population? The emigration which invites the strength of our people, leaving to us those whom we could best spare, however it may benefit those who depart from us, or the communities among whom they may seek a home, must be a source of weakness to ourselves. In the face of it we may ask, whether we are not spending, upon questionable luxuries, and even upon vicious indulgence, the means which ought to find profitable employment for all, and augment the fund out of which the wages of labour are paid. A

voice of warning has arisen, from men, not of the class who see a storm in every passing cloud, and disaster and ruin in every change of opinion, custom, or law ; but from those who are accustomed to sober studies and patient investigation. They point to a real danger. They warn us that we are likely to be beaten in those markets where we have hitherto found ready purchasers for our various productions—that we have already formidable competitors among the nations of Europe. The statement of the case suggests the remedy. We must stimulate education, so that the English workman may be able, by advanced intelligence, to maintain that superiority which he has won by his skill and industry—an education that will tend also to correct those habits which, more than anything else, lead to his impoverishment, and impair his physical and moral energies. We must, moreover, remove every burden upon raw material and upon industry, and, in addition to this, facilitate intercommunication among the different sections of the human family. Statesmen are looking at this subject with a view to important reductions in the national expenditure, so as to relieve the tax-payer. It is scarcely necessary to say that if the tax-payer has twenty shillings less to pay in rates and taxes he has that sum more to spend upon articles of convenience, comfort, and enjoyment. If it is important that the state should take as little as possible out of the pockets of its members, it is equally important that the public should scrutinise with a careful eye that self-imposed taxation which lays a still more oppressive burden upon them. This has a strict bearing upon the argument before us ; and we may pause for a moment to look at the amount of profitless expenditure upon articles of pernicious luxury—unprofitable for all purposes of good, but productive of a terrible sum of sin and misery.

In an elaborate paper read by Mr. Baxter before the London Statistical Society, he showed that the revenue derived from intoxicating drinks and tobacco is not much less than 30,000,000*l.* This would represent an expenditure upon this class of articles of above 93,000,000*l.*, a sum much more than the imperial taxation of the country. Mr. Baxter estimates that one-third of that amount is outside the margin of temperate indulgence, so that, according to his showing, 10,000,000*l.* of revenue, representing an expenditure of 30,000,000*l.*, are due to excessive or intemperate indulgence. This is a waste of so much wealth ; and while it is going on we have thousands of the population wretchedly housed, miserably clothed, and who can with difficulty obtain the scantiest supplies of the meanest food. Want leads to demoralisation, and our pauper ranks are recruited from the struggling classes. Thousands, again, who have means and energy are induced to look to foreign climes for the employment that they cannot obtain in this. The question naturally arises, what would this money purchase if wisely spent ? It requires no laborious calculation to prove that if the amounts which Mr. Baxter places to the account of intemperate indulgence were applied to legitimate purposes, there would be sufficient to find

employment for all able and willing to work. In a few years it would provide house accommodation, schools, libraries, and every other means of improvement, which are placed by reasonable men among the requirements of the age. So employed, every branch of industry would be stimulated and benefited.

Dr. Elam, in his recent work, "*A Physician's Problems*," adduces the case of Sweden, to show that the large consumption of intoxicants has already produced visible and alarming effects upon the population of that country. Other cases might be cited. In the first essay in the volume, that on "*Natural Heritage*," he shows that the appetite as well as the diseases arising from inebriety may become hereditary, thus supporting the view of the New Englanders, so tersely given by Mr. Dilke. In his essay on, "*Degenerations in Man*," he says, "There is no phase of humanity in which hereditary influence is so marked as in this"—he is speaking of alcoholic poisoning. "The children unquestionably do suffer for or from the sins of the parent, even unto untold generations. And thus the evil spreads from the individual to the family, from family to community, and to the population at large, which is endangered in its highest interests by the presence and contact of a 'morbid variety' in its midst."

Common experience bears out the judgment of Dr. Elam, quite as forcibly as he bears out what has been so often stated by temperance reformers. We see as one fatal consequence of our drinking system, crowds of children brought into the world with sickly constitutions, and who, if they survive the attacks of infantile diseases, and the hardships of a neglected childhood, are physically and morally incapable of maintaining a struggle for subsistence. They become a burden to the community, and the area of this "morbid variety" of our species is constantly enlarging, the ratio of increase being greater than that of the population. The causes are always in active operation among us. It is stated in some quarters that through the force of education and other ameliorative influences drunkenness is on the decrease. No doubt, the open and turbulent inebriety which was so common at the beginning of the century among the well-to-do classes has passed away; but it is to be feared that a kind of drinking, which never exhibits itself in so-called inebriety, but which leaves the victim in a state which can never be strictly called sober, is on the increase. It is remarkable that while the commercial depression already referred to has unfavourably affected the customs, in articles of comfort and harmless luxury, the consumption of intoxicants appear not to have been reduced. There is great reason to fear that the habits of drinking are extended among certain classes. The high-pressure system under which we live is not congenial to temperance in living. The strain upon mind and body, the feverish excitements of trade, the hurry to become rich, all have the tendency to derange the system and vitiate the appetite, so that the relish for plain and simple diet is gone, and a resort to high-seasoned food and stimulants is the result

Fuel is added to the flame, and we find as a perfectly natural consequence new diseases added to the catalogue of human miseries, and old ones becoming more inveterate and more difficult of cure. For obvious reasons we cannot go over all the counts of the indictment that has to be preferred against our drinking system; we can only name those most prominent. All observers will admit that the evils it produces are legion, and it increases the virulence of those it cannot be said to produce. For this intemperance we seek a remedy, and we must glance at some of those which have found most favour with the general public. Before doing so, we will go back for a moment to Mr. Baxter's figures. He takes one-third of the consumption of the intoxicants to be outside the margin of temperate indulgence. The question I wish to submit is, whether any part of that expenditure is legitimate, whether the term temperate can be properly applied to the indulgence in alcoholic liquors. The question in this shape may startle some minds, but a clear understanding on that head lies at the very root of our treatment of intemperance. It is time that we arrived at definite conclusions as to whether drinks containing alcohol are in themselves good or bad. Are not use and abuse exchangeable terms when applied to intoxicating drinks as beverages? Ought not all our investigations to begin by an inquiry into the nature and properties of alcoholic drinks, and their adaptation to the human constitution? Is not the great cause of intemperance, the general persuasion that strong drinks are useful and necessary? Is not that persuasion a delusion, opposed to the teachings of science and experience?

It is no answer to this question to tell us that the use of strong drinks has been sanctioned by nearly all peoples, and in all ages of the world. The answer will be that the antiquity of a prevailing custom settles nothing; that many great truths which are now only in process of development, have to pass an ordeal similar to that through which the total abstinence doctrine is passing; and that many scientific truths have passed through ages of contumely and neglect to universal favour and acceptance at last. Millions of converts have been gained to the total abstinence principle. This may not be sufficient to establish its claim to universal adoption or recognition, but it is more than sufficient, in the presence of so formidable an evil as intemperance, to demand for it more favourable consideration than it has as yet received from the educated and influential classes of our countrymen. The question appears a very simple one. If it can be shown that alcoholic drinks are useful and necessary to men in health, nay, if they are indispensable to rational enjoyment, let us understand it, and then we shall be better able to decide upon our plans of limitation and restriction as to the use, manufacture, and sale. But if, on the contrary, it can be proved that they are not only unnecessary, but injurious, then the application of a remedy becomes more simple, easy, and practicable. If alcohol is proved to be useful as food, then we must reconcile ourselves to the necessities of the case, and deal with the abuse as

we best can. If it can be dispensed with to advantage, then it is sound policy, as well as strict duty, to abstain from it altogether. This is the proposition we have to examine.

The principle as advocated by the abstainer has never been fairly met by his opponent. It is stated thus—that because A cannot restrain himself from excessive indulgence, therefore B, C, and D, are asked to give up an article which they can use and do not abuse;—that because one man cannot govern himself, another is called upon to give up an agreeable and wholesome stimulant. This is put forward as a plea of the abstainer, and is not only an unfair but an untruthful mode of stating the case. We shall by-and-bye see what the abstainer has to say for himself. But this way of putting it raises a false issue. It is true that many abstainers have adopted the principle on the ground, that they were not justified in giving their countenance to customs which degraded so many, and brought such dishonour upon a civilised community. They sought no higher ground than that which had been occupied by the Apostle Paul. This plea for total abstinence has been ridiculed, but the sarcasm strikes where it is not aimed. It is, in effect, a sneer at the religion which enjoins self-denial for the good of others as a Christian duty, and dignifies the sacrifice as the highest manifestation of Christian charity. Acting under apostolic injunction, many religious men do not care to inquire whether strong drinks be in themselves good or bad. They see that vast numbers of those who indulge in them fall into folly, vice, and crime, and they adopt the principle of abstinence as a measure of safety to themselves, and as an example to others. They act in relation to this class of articles, as men with well-regulated minds act in relation to many other pleasures of the world. But this is only a collateral argument. The abstainer goes beyond this. He says that the evil is in the drink—is not in the quantity taken, nor in the kind of drink, nor in the amount of adulteration, nor in the place where it may be sold or drunk, but in the drink itself. He would, seeing the mischief it produces, abstain from it, were it even useful as an article of diet, but he has another and much stronger motive for his practice, and that is supplied by the nature and properties of alcoholic drinks.

In order to make this position better understood, it is desirable to glance at the history of total abstinence societies. In the first quarter of the present century, the consumption of intoxicating liquors had increased in a ratio far beyond that of the population. The state of society was alarming; and when attention was fixed upon the evil, an attempt was made to arrest it by the formation of temperance societies, which enjoined total abstinence from spirituous liquors, and moderation in the use of fermented drinks. It was soon apparent that this effort went only a short way towards the remedy of our national intemperance. It was perceived that a very large portion of the most intemperate of the population never drank spirits, but got drunk upon beer. The difference between the two classes of drink is only one of degree, for the intoxicating principle is the

same in both, alcohol being the product of fermentation, and not, as was once supposed, of distillation. The discussion led to most important results, and a number of unlettered men, who had been attracted to it by strong personal feeling, after a little time declared that abstinence was the only means of reclaiming the drunkard, and the only safeguard for the sober. They spoke from experience. They went further than this, and declared that alcohol, in whatever form or disguise, was the enemy of health and morality. They did not, of course, arrive at this conclusion by any scientific inquiry, but by a rude process of induction. Their test was a very simple one. They asked, Can a good tree bring forth so much evil fruit? Can these things be suitable as food which in so many instances lead to loss of character and worldly ruin. In my judgment the conclusions thus arrived at were reasonable and strictly logical. The new doctrine obtained converts, and has for thirty years been slowly making its way. It has been condemned by both pulpit and press—has been frowned upon in solemn prelections and laughed at in facetious publications; but it has survived, and has grown in stature and strength. It has had to conflict with appetite, prejudice, interest, and what has been more formidable than all these—the practice of the medical profession. It was soon able to establish a literature of its own, which literature may not be much known out of its own circles, but which has nevertheless exerted a silent and powerful influence upon public opinion. Besides the living examples which the temperance societies gathered into their ranks, they found that history was not silent. In numbers of individual cases, as well as among particular races of men, abstinence had been the rule, and always—other conditions being equal—to the advantage of those who were not acquainted with intoxicants, or who abstained from them. Medical men, who are slow to receive new facts and adopt new theories, could not resist the force of the arguments which had been brought forward; and certainly no body of men could be better informed as to the fearful effects of intemperance. From the first some members of the profession openly declared themselves in favour of total abstinence; and no doubt the new doctrine had a considerable effect upon general medical practice. In 1846 a certificate was prepared under the auspices of the late Mr. John Dunlop, and obtained the signatures of above 2,000 medical men, which number comprises, as Dr. Carpenter observes, “members of the profession in all grades and degrees, from the Court physician and leading metropolitan surgeons, who are conversant with the upper ranks of society, to the humble country practitioner, who is familiar with the requirements of the artisan in his workshop and the labourer in the field.” The certificate is quoted here, for it establishes all for which the total abstainer contends:—

“We, the undersigned, are of opinion—

“1st. That a very large proportion of human misery, including poverty, disease, and crime, is induced by the use of alcoholic or fermented liquors as beverages.

"2nd. That the most perfect health is compatible with total abstinence from all such intoxicating beverages, whether in the form of ardent spirits, or as wine, beer, ale, porter, cider, &c., &c.

"3rd. That persons accustomed to such drinks may, with perfect safety, discontinue them entirely, either at once, or gradually, after a short time.

"4th. That total and universal abstinence from alcoholic beverages of all sorts would greatly contribute to the health, the prosperity, the morality, and the happiness of the human race."

This may be said to be the total abstainer's creed, supported by a large body of men belonging to a profession which leads public opinion on questions of health and hygiene. It was prepared with great circumspection and care, and the signatures were deliberately affixed. If the great bulk of the medical profession would shrink from such a declaration now, it is because they have discovered that it carried them much further than popular prejudice would permit them to go into their ordinary practice. And this statement is not intended as any reproach to them. They have to contend with prejudice of the strongest kind, and to humour it in its most querulous forms. The certificate may perhaps be regarded by themselves as a rebuke to their personal habits, and a reflection upon their own practice; for, unfortunately, a reaction has taken place of late years in medical treatment, and stimulants are more freely prescribed than they were at the time the certificate was brought before the profession. Due allowance must be made for all this. But this may be said, without any fear of successful contradiction, that no medical man of reputation has attempted, or is likely to attempt, an objection to the positions laid down in the certificate. This assertion is ventured on the authority of those who have better opportunities than I can possibly possess of ascertaining the opinions of men eminent in the profession, and upon the authority of medical writers whose works have become text-books upon the subjects on which they treat. It may be safely said that the positions of that certificate are irrefragable.

From this point, then, our remedies for intemperance must commence. It is clear that, without defined views on this head, we are labouring in the dark. If alcoholic drinks do not administer to any physical necessity, if they supply no natural want, if at the best they only add to the strength or enjoyment of to-day, at the expense of the strength or enjoyment of to-morrow, if their inevitable tendency is to create in many who take them an unconquerable and insatiable appetite, is it not well to gain assurance of the fact? Whether we seek by legislation to limit the sale and the manufacture of strong drinks—and I believe such interference on the part of law perfectly legitimate, and indeed imperative—or whether we seek by powers of persuasion to win the people from intemperance, it is equally necessary that we should arrive at sound conclusions as to the properties of these drinks. If the drinks are useful, let us define in what the use consists. Are they good or evil? Are they a blessing or a curse?

We shall be greatly assisted in the inquiry by observing the

phenomena of inebriety. In treating of intoxicating drinks we have altogether an exceptional article, differing in its properties and effects from any other article of food or nourishment. Alcohol commits the same devastation in the western world that opium inflicts in the east, and must rank with that deadly drug. Its effects are different from those produced by vegetables in common use, by animal flesh or by bread, or from tea, coffee, or beverages of that class. There are those who, from youth to manhood and old age, go on regularly taking the same quantity of wine daily, at stated times, without feeling any effects but that of exhilaration, and without experiencing any temptation to exceed the usual allowance, and it is difficult to persuade such persons that others cannot practise the same constraint. There are, however, very few who have not, at some period of their lives felt the temptation to exceed the prescribed quantity, who have not experienced and felt the danger of excess. But there are again great numbers with as strong inclinations to a temperate life, who have begun by taking small quantities, which have grown as years advanced to unlimited indulgence. A derangement of health, a change of circumstances, some serious trial or loss, or a bereavement, will often turn the current of a man's life, and induce habits of careless drinking, ending in excess. This is the essential danger of alcoholic drinks : they have a tendency to feed the appetite they gratify, and the appetite grows unconsciously to the mind of the victim. What will satisfy any day of this year may not satisfy in the corresponding day of next year. Then, again, the same quantity will not have always the same effect, for this depends upon both the bodily health and the state of the mind. There are many abstemious men who have to abstain from wine or spirits at certain times, as they feel that indulgence would be dangerous, who do not feel the necessity of such abstinence from their usual articles of food. About the same quantity of simple food will satisfy the appetite through a long life, but the quantity of wine may, in a few years, have grown from a glass to a bottle. What is the experience of all drunkards ? They recollect a time when a small quantity would satisfy, but they are scarcely able to follow the steps by which a strict moderation grew to excess. It does not depend upon either the culture, or the moral principle, for it is within the range of every one's experience that men and women of refined tastes and of amiable manners have fallen victims, while others of gross conversation and habits have escaped. No one will be hardy enough to say that education and deep-seated moral principle may not be a protection against the vice of drunkenness, as well as against all other vices ; but the instances are sufficiently numerous, in which men of high attainments, generous sympathies, and talents fitting the possessors for a life of usefulness and honour, have fallen into confirmed habits of intemperance, to show that absolute safety can be found only in the total abstinence principle. There can be no more melancholy spectacle than that of a man who, conscious of his own degradation, has lost the power to raise himself above it, and who, after every

debauch, makes strong resolutions which he is unable to keep. It is a mistake to place reliance upon the conscience and the will in such a case. The love of intoxication in the majority of cases, is a weakness more than a vice. It may arise from inherited predisposition, from peculiarity of temperament, or from one of a number of abnormal circumstances which generate an unnatural craving; and it is one of the peculiar properties of the drink to weaken the will, and overpower the conscience, at the very moment when the vigorous action of both is required to guide and govern the conduct. The wise man flees from temptation, and does not rely upon his strength to resist it. The question is still before us, and we will repeat it—Is it prudent or right that a class of liquors so insidious and dangerous, and fraught with mischief of so many kinds and in so many cases, should be retained as a daily beverage, and as an article of entertainment? The question may be put in a much simpler form—Is the liquor, which is capable of producing drunkenness, a suitable article for daily use? Let us try to imagine what our answer would be if we saw or heard of an act of drunkenness for the first time.

Not only is strong drink an exceptional article, but drunkenness is an exceptional vice, and, as I have said, ranks as a disease rather than a vice. Its treatment lies not so much with the divine as with the physician. An eminent medical writer tells us that “*diseases are perverted life processes.*” By the same rule of interpretation all the vices that disfigure humanity arise from a perversion of some feeling, instinct, or passion that has been implanted in our nature by the Author of our being for a beneficent purpose. All our vices spring from within, from motives and desires misdirected or uncontrolled. But this is not the case with drunkenness. Drunkenness is not the perversion of any natural instinct or appetite. The healthy child manifests a repugnance to strong drinks of any kind. A man may be very wicked, may transgress all the laws laid down in the decalogue, and yet drunkenness will not be one of his sins unless he takes strong drink. A foreign agent has to be taken into the stomach to produce the state called inebriation, and it produces a physical derangement before it affects the moral sense. This distinction should be borne in mind by those who treat intemperance as coming within the province of the moral law, and who expect it to be amenable to the same remonstrances, admonitions, and appeals, as other sins of the body. Dr. Guy says “that one half the moral evils of the world springs from physical causes.” Especially does this apply to intemperance. Too much importance cannot be attached to this view of the case, for it shows us the real nature of the evil with which we have to deal, and indicates the kind of remedies that must be applied. With our present knowledge on the subject of intemperance, it would appear just as reasonable to expect to preach away typhus or cholera as to preach away drunkenness. There will always be drunkenness where strong drink is the beverage of the people. In the one case we must clear our pestiferous districts, provide them with drainage and water, and let in

upon them light and air ; and in the other we must teach the people the true nature and properties of intoxicating drinks, and remove the facilities for indulgence.

The physical and the moral laws have an intimate and indissoluble connection. To raise up the character of the lowest class we must alter the conditions under which they live. Ill health is the enemy of morals, as foul air is the enemy of health. We must not expect a sound mind without a sound body. Upon the masses of our poorer population, struggling with want and inured to suffering, our lessons of moral and spiritual instruction fall in vain. They no more understand us than if those lessons were imparted to them in an unknown tongue. An attention to intemperance is by no means all that is wanted in the great work of social reform, but it is that without which all our other efforts will be in vain. Intemperance has been the principal cause of the degradation of the indigent and vicious classes, and becomes the greatest obstruction in the way of sanitary, educational, and religious effort.

The efficacy of all treatment depends upon a thorough knowledge of the disease, and so with intemperance. Lord Althorpe was right when he said that the cause of drunkenness was strong drink, and it is with the drink that we have in the first place to deal. It is most important in this, as in every other field of inquiry, to discriminate between first and secondary causes, and between causes and consequences. Our remedies will receive their direction and force from a sound knowledge as to the properties of intoxicating drinks and their want of adaptation to the requirements of the animal system. It is clear that an enlightened opinion on this head would correct the mischievous practice of medical men in prescribing alcoholic stimulants so generally and profusely. In their prescriptions they look at the present condition of the patient, and very often only at his prejudices, and seem to overlook the probable future consequences. Such an opinion would also incite employers of labour to discountenance the drinking customs among workpeople in workshops, which often lead to habits of drinking, and it would suggest to all classes that it is a paramount duty to dissociate meetings for business or for amusement and pleasure, from the use of intoxicants. It would strengthen an effort to lessen the number of public-houses, and to put under restrictions those which are left, and at any rate confine them strictly to the sale of drink, and not allow any business, or any clubs, or amusements to be connected with them. It is well known that sick clubs, which have a beneficent design, become mere nurseries of drinking from the fact of their being held at public-houses. But that which is most to be desired—and would be more effectual than any other thing in subduing our national intemperance—is the disuse by the educated and religious classes of strong drinks as a beverage and as an article of entertainment. It is most earnestly to be sought that in this particular they should emancipate themselves from the tyranny of fashion, and put their example in opposition to the drinking usages.

This can only be effected by an entire change of opinion as to the nature of the drinks they are asked to abjure. With a thorough knowledge of the true nature of intoxicants, legislation, which on all questions is but an embodiment of the popular will, would be able to grapple with the giant mischief of our country. Sound knowledge is necessary to sound legislation,—is, in fact, indispensable to all healthy political action.

There is little time left to look at the remedies which are proposed by various sections of philanthropists, nor is it necessary to dwell upon them at any length. Many of the proposals are as I conceive unfortunate, inasmuch as they regard intemperance as the effect of ignorance or of a low sanitary condition, and not as in itself a producing as well as reacting cause, of the vice and wretchedness they seek to remove. In our labours to effect certain reforms, do we not often err in looking too intently at the end, and miscalculating the means by which that end is to be reached? Is not this the case in relation to the efforts making in all directions to secure education for our people? There can be no higher object. But, suppose we were all agreed, which is by no means the case, on all the difficult questions which arise upon a national and compulsory system of education: suppose that we had obtained an agreement upon the policy of levying a general rate, upon the kind of education that was to be given, and that our schools were open and in active operation, may there not be a disappointment when the next generation has to measure the results? Do we properly estimate the number and kind of obstacles which exist in the habits of the people? There are very few of the well conducted of our population who do not now somehow or other provide education for their children. It is for the very large class of neglected children that the want of schools is felt. How are we to overcome the inclinations of vicious parents? We have also to contend with inaptitude on the part of the children. And if we enforce attendance at school we cannot counteract the tuition or example of the home. It is not our schools but our homes that form the character of our population, that shape the habits upon which the conduct of the life depends. By all means let us have schools, but no isolated effort will suffice. To rely upon them as a sole or principal means of correcting vicious habits, and of overcoming intemperance will be a mistake. The evils of intemperance are so firmly rooted that no indirect action will suffice; the action must be direct, and it may be depended upon as a moral certainty that in proportion as we weaken the attractions of the public-house and the general faith in stimulants, so shall we strengthen those of the school.

The argument will apply to every effort to do good. The first work of prudent men is to measure the obstructions which lie in their path, and by removing them to clear the way. In this case, as in all others, a knowledge of the disease is half its cure, and in that direction I have one practical suggestion to offer. I believe there will be no dissentient to this proposition, that an acquaint-

ance with all the causes and practices of intemperance, and its relation to other evils, is desirable, and that the inquiry as to the nature and properties of intoxicating drinks is also most important. I suggest, therefore, whether it would not be practicable by concerted action to conduct such an investigation as would give to the results national authority and value. I mean an inquiry to be conducted by a body of eminent scientific men selected for the purpose, who should collect all available information on the causes and practices of intemperance, and upon the nature and properties of intoxicating liquors. The topics of inquiry are already suggested in the medical certificate. I am aware that a Commission appointed by the Crown, or a Committee by either of the Houses of Parliament, is out of the question, as there is no precedent for such inquiry under legislative sanction. Such Commissions or Committees could not deal with the question, as it is primarily one, not of statics, polity, or law, but purely one of scientific investigation. There are, however, precedents for such a method of inquiry on the part of learned societies in matters of scientific research in various parts of the continent, and it is such a one as I think might be made available. I suggest, therefore, that the different societies and sections of the community who are labouring in various and somewhat diverse directions for the abatement of the evils of intemperance should unite on one common platform, and endeavour to organise such a commission as I have indicated. I know there are difficulties in the way, and I will not anticipate them by naming them, but I believe there are none of an insuperable or very serious character.

I must hasten to a conclusion, and in doing so, commend to the serious consideration of the meeting the subject which has been so imperfectly brought before it. It is not yet fully appreciated in its vastness of evil, even by those who have given a close attention to it. In order to realise that evil fully, it is necessary to explore those under-currents of society where so much vice and misery are born, and find a home, and to reflect that those evils are descending to unborn generations, by the operation of a law which is as unfailing as that which keeps the planets in their course, and which visits the sins of the father upon the children. The subject grows in importance the more it is contemplated, and it must in justice be said, that the temperance reformer is engaged in a work that yields to none other in the greatness or beneficence of its object. He seeks to redeem from waste an amount of wealth that, if properly employed, would banish want from our streets and make the barren places glad: he seeks to arrest a flood of evil which, besides what it leaves behind, carries pollution to a remote posterity. To lift the question to a higher platform than it is supposed to occupy, by the bulk of our social reformers, who are apt to regard it as a temporary and delusive fanaticism, and to place it where it properly belongs, in the front rank of the social reforms of the day, seemed to be an object worthy of attainment, and this essay is offered as a humble contribution to so desirable a work.

On the Drink Traffic. By Professor F. W. NEWMAN, one of the three Delegates from the United Kingdom Alliance.

THE evils of the drink-shops fall on our whole nation, but on the virtuous poor especially, loading us with expense, pauperising us, poisoning our blood, distressing us by crime, filling our streets with ribaldry and with harlots. Prosperity is even to be deprecated until the drink traffic is put down; for the working classes are healthier and less criminal in adversity. But in fact the drink trade presses down our material welfare so low, that the word prosperity is strictly inapplicable. It has only a relative, not an absolute sense. Our colonists suppose that a few millions signify nothing to us, and do not realise how deep poverty mingles with our riches. We are poor, chiefly because we destroy bushels of grain by the 50,000,000 or 60,000,000 in the year, and either spend or waste not less than 200,000,000*l.* sterling by this trade. The more intelligent of our working men have their eyes open to the evil, and no opposition from them is to be feared, if Parliament or the magistrates ever so sharply restrict the traffic. In the recent Trades' Union Congress at Birmingham, Mr. G. Potter frankly avowed: "The beer-house and gin-palace destroy all that we want to save, and save all that we want destroyed. . . . We cannot keep up manufactories of paupers, and expect the other factories to flourish." While we perpetrate the enormity of destroying yearly some 60,000,000 bushels of valuable grain, with results far worse than if it were burned in a heap, we must be a spectacle to the world of hideous poverty and vice rotting by the side of fabulous wealth. I read that Dr. Erasmus Darwin, grandfather (I believe) of our celebrated Charles Darwin, wrote the indignant words, "The food of the people is taken and converted into poison." Till this is changed, we cannot pay off our debt, and the Queen's exchequer holds 800,000,000*l.* less than nothing. The Treasury has no surplus for any of the vast schemes, which in some of the Sections are ardently pressed. We must leave off to do evil, if we would get power to do good.

But suppose that public money were obtained for national education by a stringent economy as to military and naval expenditure. Suppose that such a system of education be enacted, as is adequate to our necessity. The experience of the last forty years, in which there has been an immense development of popular schooling, seems to have convinced the friends of education, that until it is made compulsory on our most neglected population, it will never reach them all. Mr. Fawcett, M.P. for Brighton, said lately in public meeting, that compulsory education had gained in favour of late with astonishing rapidity, and the Right Hon. W. E. Forster appears to think that we must come to this. A new principle is now advanced. No parent has "a right" to leave his child uneducated. To do so is an injustice alike to the child and to the nation.

Well then, imagine national schools to be everywhere opened, and the children of drunkards to be forced into them by law. In what

state will those children come? Many of them will be not only ragged and dirty, but starved and diseased. An alarm will arise of their infecting the whole school. As a measure of quarantine it will be requisite to wash and clothe them. The medical officer will insist that they must be fed. It will in many cases become a question, whether it is safe for the school if they sleep in the parents' house, which is apt to be a nidus of contagion. The State may prosecute the parent to recover the money spent on the child, but will certainly fail if the parent is a drunkard. It cannot recover its expense from him now, when his family are made paupers by him. It must either prevent his vice, or adopt the child as its own. Are our economists willing to proclaim, that if a man wants to have his children reared and educated at State expense, he has only to become a drunkard? If the State insist on permitting capitalists to thrive by creating drunkards, it leaves itself no means of educating drunkards' children, but by a socialistic system, in which the State is universal parent. And is this a happy condition for the children thus favoured? They lose family relations, they do but herd together under scholastic discipline; and are they to be called educated? Training for the world presupposes family life. A child reared in a poor-house is not trained to meet the trials outside, be the scholastic teaching ever so good. But it here suffices to press, that until Parliament and the nation choose to feed, clothe, and lodge for nothing the children of drunkards, the first prerequisite step for educating the children must be, a law for making drunkenness difficult. In the case of the more favoured classes, education may go first, and become a cause of temperance: but, for the miserable thousands of neglected children, an enforced temperance of the parents must go first, in order to make the education of the children possible. We need to prevent pauperism. To mend broken china is a beautiful art; yet we surely prefer the prudence which keeps the china whole. You cannot save men or women from pecuniary or moral ruin, by mere school-teaching. Under the expansion of the drink trade, pauperism must accumulate, unless pauper families were killed off, year by year. It has taken eighty years or more to bring the richer classes to such temperance as they now can boast. If it take an equal time with the classes now rising into power, the nation may be ruined first. Education, if it could be effective, is yet certainly not a sufficiently rapid process.

Like topics apply to the public health. It avails nothing to pass laws against inoculation and for vaccination, and in general, laws for the health of town or country, in the case of those families in which the seeds of disease are planted by the drunkenness of parents. A sot cannot keep a healthy house; no laws can force him to do so. The law cannot help his leaving his children ill-clothed and ill-fed, his bed and bed-rooms impure. Exterminate one disease, and another will spring up or increase in virulence: for the conditions of health cannot be attained. To drive prevalent disease from one form to another is of little national avail. Diseases engendered indirectly

through intoxicating drink, grievously reach the bodies and the hearts of the guiltless. Physicians know and confess it; no details are here needful. One who tries to promote public health, and neglects severity against the drink traffic, undermines his own work.

Many persons imperfectly understand, that drinking is to the public (in the total estimate) a greater enemy than drunkenness, besides being its parent. First, the wholly drunken man is less dangerous than the man who has drink in him, but is not drunk. The wretch who killed a clergyman and his wife, because they disapproved of his visits to their maidservant, was not drunk, yet could not have committed his crime had he not first deadened his conscience by brandy. The same was the case with the young gentleman who shot a young lady dead for refusing his hand. Neither of the criminals could have been legally arrested as drunken. No human eye can see how soon the conscience is dulled by strong drink, any more than how soon the brain is confused by opium. Not only is the corruption of women caused mainly by perhaps a single glass of gin, which, short of making them drunk, excites their imagination and impairs their natural modesty; but, I further avow, until a young man has been corrupted, he too is naturally modest. That, without visible excess, wine may dangerously disarm him, I confidently believe, from the indecent talk which I have heard after wine from grave and, I hope, pious men, not young; who at no other time would be guilty of such indecorum, and showed no other mark of wine than this blunting of their moral sense. Some moral reformers are vehement against (what are called) the dangerous "attractions" of dissolute women in the streets; but I can personally testify, from myself, and from other young men in former days, my equals in age and then intimate friends, that the touch of an impure woman is like that of a snake or torpedo—a horror, not an allurements. In spite of our natural and necessary passions, I assert, in honour of my sex, that every young man, hitherto pure, is modest as a woman, until his self-respect and his conscience are impaired by wine. Cut off the evil drink, and women will no longer be the ready victims of men—men will no longer be the deadly foes of women. But you must cut up the roots of evil, not lop the boughs. In Turkey you find no intoxicating drinks, and no prostitutes. Tens of thousands of working men who are not drunken, are made less frugal, less healthy, less conscientious, less moral, more selfish, by drink; and to gratify this passion, basely expose their families to become paupers on the first blast of winter, or the momentary adversity of a trade.

It cannot have escaped the notice of this Association that in the province of Canterbury, the Lower House of Convocation has taken up the topic of the drink traffic, urged to it peculiarly by that valuable clergyman and large-hearted man, Archdeacon Sandford. The committee has elicited the remarkable fact, that in that province alone there are above 1400 parishes, in which no intoxicating drink

is publicly sold. Parliament will no longer neglect this topic. By abandoning the Beer Act of 1830, it has reasserted the ancient doctrine (the doctrine of every wise State), that it belongs to the right and duty of the community to see to it that its citizens be not converted into idle sots, or dangerous wild beasts, for the gain of private capitalists. In insisting that the magistrates shall have an absolute veto even on beer-shops, Parliament out-and-out concedes that an absolute veto must be exercised by somebody for moral purposes : that not only has no man a "right" to keep his child uneducated, but he has no "right" to make a trade of tempting his neighbour to vice, and no "right" to expect a shop kept open for his convenience, if it practically involve ruin to persons of weaker mind, and misery to the nation. When it is once admitted, that an absolute veto on the trade must exist for moral purposes somewhere, the question inevitably opens, whether the magistrates are the very best organs for exercising it. Undoubtedly, in many places they apply it honourably and with good result; but it is equally true that in every age many of them are in virtual league with capitalists, and negligent of moral interests.

No year passes without many magistrates thwarting the earnest desire of a majority of the public to be free from these shops. Parents cannot keep their young children from their contagion, yet magistrates are obstinate, and the shops, which would never be endured side by side with the rich, are planted side by side with the poorer. Out of this rises the claim of the collective public to have a veto co-ordinate with the magistrate. Such a veto is called despotic and tyrannical by some public men, and by many writers for the press. In fact, these epithets do duty for argument. But such opponents are bound by their own logic to condemn *à fortiori* the exercise of the veto by magistrates. If it be tyrannical when exercised by a community against itself, much more is it tyrannical when enforced at the will of individual magistrates against a community. On the other hand, if, when imposed by the magistrate, it be (as we know it is) a beneficial despotism, for which the elder inhabitants are thankful, as a necessary restraint on the young and ignorant—for it is to those between fifteen and twenty-one that the shops are most fatal—much more will the extirpation of the trade be beneficial, when adopted voluntarily by the population itself. Some indeed deride the idea of such a veto, as certain never to be used; but if so, there is no harm in the trial. It may be used somewhere, if not everywhere. The very debate will be an education. But in fact it is easy to see, that the real fear to a majority of opponents is, on the contrary, that the veto will only be too effective, when in the hands of those who are chief sufferers from the trade.

No other suggestion has yet been made, at all likely to be adequate, that is so simple and so easy. The magisterial veto failed with us from early times down to 1830. Yes, and since 1830. Indeed in 1839, when Lord Brougham moved in the House of Lords for the repeal of the Beer Bill of 1830, the chief objection made was,

that the gin-shops under the magistrates were worse than the beer-shops under the Excise. A popular veto is therefore the needful complement to the new Licensing Bill promised by the Government. If any of us prefer a compulsory imperial Act, to that (I can say) the great popular Alliance, for which, as well as for myself, I address you, has no objection. I believe they would even prefer it. But on the one hand, we expect that the Government would be more averse to it, as threatening convulsion to their finance; and next, if carried by power from above, without local debate and local conviction, we fear that capitalists in the towns will be bolder to resist and evade it—magistrates less bold to enforce it. It is a significant fact, that, in the Convocation Report above alluded to, the committee pronounced in favour of a local veto, and that both Upper and Lower Houses have unanimously approved of the Report, and made it the foundation of an address to Her Majesty. Is it then too much to hope, that before this Congress closes, the Council of this Association will make some energetic representation to Parliament in favour of that “local option,” of which the Prime Minister seems distinctly to approve?

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The Rev. WILLIAM CAINE read a paper on “The Sunday Liquor Traffic.” The writer quoted from Cromwell’s Act for the Better Observation of the Lord’s Day, and various other later Acts, remarking that it was at last seen that people could not be made sober by Act of Parliament; but now it was made easy for them on Sundays, till half-past twelve or one o’clock, to do right and difficult to do wrong. He then referred to the Forbes Mackenzie Act of 1854, contending that it had been productive of immense benefit, not only on the Sunday, but throughout the rest of the week, and concluded by saying that the sooner the unfortunate drink sellers were compelled to cease from selling liquors on Sundays and every other day the better for themselves, the better for this kingdom, and the better for the world at large.

A paper by Mr. WILLIAM HOYLE on “The Social Causes of Commercial Depression, with special reference to the Cotton Trade,” was read. The author came to the conclusion that the common belief that our trade is being supplanted by continental manufactures is a delusion, and asserted that the cause of the depression was the vast amount spent in intoxicating drinks, which, were it appropriated to the purchase of merchandise and manufactures, would give such an impetus to trade as had never been known before. They should not send their surplus population to other countries, but, by spending the money wisely, they would be able to provide employment for them all, and thereby avoid sending their best workmen abroad. Another cause of depression was the large sums raised by taxation, necessitated by the drinking customs, and still one more cause was that the liquor traffic caused food to be dearer.

Mr. HANDEL COSSHAM read a paper, written by the Rev. J. A.

Johnston, on, "The Proposed Amendment to the Scottish Licence Laws." It was proposed to increase the licence duty, the highest of which is now 13*l.* 13*s.* even for the largest houses. Instead of this amount a great augmentation should be required, as tending to limitation. The Excise licence for the sale of table beer it is proposed to abolish entirely. The licence for the sale of liquors with groceries or provisions he would abrogate, and if the sale for non-consumption on the premises were retained it should be entirely unconnected with the sale of other articles. The paper also proposed that the hour of closing at night should be ten instead of eleven. With regard to the licensing power the paper stated that the "present licensing courts have failed," and it recommended that "the ratepayers of the district should have the power at present possessed by the magistrates of refusing any or all of the licences sought for that locality."

The Rev. THOMAS ROOKE observed, in a paper on "The Licensing System," that the restrictions which had ever, in a greater or less degree, been put on the liquor traffic were a proof that our legislators had felt that there was need for more stringent laws relative to the sale of intoxicants, than for any other branch of what they might call the food trade. All measures of restriction should have reference to the seller, the buyer, and the thing sold—the seller must be duly licensed, the buyer must be regarded as well as the seller, not only for his own sake, but for that of the community at large, and, with respect to the thing sold, if our laws recognised the right of interference to detect adulteration in any direction, the necessity for such interference was most imperative in the drink traffic. The writer urged that a board of a certain number of persons in proportion to the size of the district for which such board would act, to be elected by the ratepayers annually, would be the best method of meeting the disadvantages felt with regard to the present licensing system—much confusion would thus be avoided, and the place of the magistracy and the Excise in reference to the licences would become simply and clearly defined.

Dr. ROBERT MARTIN read a paper on "The Amendment of the Licensing System." He spoke of the mistaken estimate which had too long and too generally prevailed as to the qualities of intoxicating liquors. They were very commonly regarded as articles of food, whereas alcohol was not food, its compounds for the most part being possessed of properties the very opposite of true dietetic principles; it might be contrasted, but could not be compared, with food; it had its counterpart in opium, and was, like it, a poison. He argued that the duty on spirits ought to be raised to the highest point practicable, short of that where it would offer a premium to the smuggler and the illicit distiller. The fee paid for a spirit licence ought to be augmented, and the licence ought to be taken away from every place where attempts were made, by the display of liquors or by ornamen-

tation, to attract the public. These were the principles which must be kept in view :—(1st.) The poisonous, seductive, and enslaving properties of liquor ; (2nd.) The necessity for putting all practicable obstacles in the way of its common sale ; and, (3rd.) Giving the people, either by themselves directly or through their representatives, a greater power of controlling the traffic.

The Importance of aiding the Poor without Almsgiving. By
OCTAVIA HILL.

THERE are two main principles to be observed in any plan for raising the poorest class in England. One is that personal influence must be brought strongly to bear on the individuals. The other, that the rich must abstain from any form of almsgiving. It is mainly of the latter that I would speak to-day, because I think the conclusions to which I have been led during four years, spent in endeavouring to raise about forty families of the very poor in London, may not be without interest even to those who have experience on larger fields of labour, but where, owing to the extent of space, and multitude of people to be dealt with, the result of particular modes of action can hardly be so closely watched. The success of the attempt has been far greater than I had ever dared to hope, and has depended greatly on the entire abstinence from gifts.

Before dealing further with this question, a few words on personal influence may be permitted. They are the more needed as the only society I know which is attempting any plan for the organisation of charities in England, seems to be neglecting the use of this vital force. Edinburgh has wisely employed it, but the influence of her example does not appear to be felt.

No one can over-rate the urgent need of organisation. Every worker among the poor could give instances of the present waste of the donor's money, energy, and time. Let one example suffice here. I knew a man in full work, who had but two children dependent on him. On the death of one of them, he obtained six several gifts of money, to help him to pay for the funeral, from six people, each ignorant of the donations of the others. But far worse than this, our want of organisation is absolutely cruel. We scatter gifts sometimes till the poor look to them, if not almost as to a definite income, at least as to very splendid chances. They spend, often wrongly I know (but who in this day of speculation dares say much against them?), the little margin which might have been saved from scanty wages—perhaps they spend it really well in extra food, or clothes, or for additional holiday (I wish I could add in rent for extra rooms, but this is rarely the case), and then perhaps, when the hour of want arrives, we may not happen to come near them at all ; perhaps we are out of town, or have suffered from some depression of trade, or have been read-

ing an article on the evil of indiscriminate charity, or perhaps though four of us went to the house last week no one happens to go to-day. Anyhow we have quite forgotten the unreasonable hope of possibilities called up by our alms. Oh, charitable people, in mercy leave the poor to their own efforts with distinct responsibilities, to the measured action of the Poor Law in times of extremity, rather than scatter with blind cruelty your variable unregulated gifts.

Thus far experienced workers are agreed, knowing well that mercy is not on the side of the pitiful, who think a stern thing is being done by those who would regulate and systematise the streams of bounty.

This organisation may, however, be effected in one of two ways. Either by definite rules; by registration, showing the help afforded to each person by various societies; and by committees which shall decide on the plans of supplementary relief for classes of poor, or families among them; or it may be done by assignment of definite places or families to the care of individual workers, answerable, if need be, to committees, but left in the main to use the invention, perception, power of adapting plans to character, and the might of personal influence, both or either of which are impossible to committees.

Alleviation of distress may be systematically arranged by a society, but I am satisfied that without strong personal influence, no radical cure of those who are fallen low can possibly be effected. Gifts may be pretty fairly distributed by a committee, though they lose half their graciousness; but if we are to place our people in permanently self-supporting positions, it will depend on the use of various courses of action suitable to various people and circumstances, the ground of which can be perceived only by sweet and subtle human sympathy, and power of human love.

Let the workers come into definite relation to each other if need be in committees, let their respective fields of action be distinctly marked out, that they may not interfere with each other, especially at the times when people must be left to themselves, when we must wait for their arising to do better; the smallest gift administered at such a moment may be fatal to that opportunity for reformation. Do not trust any plan of relief, however methodical, which leaves intimate personal action out of account. It is one by one that our people must be raised; it is singly, and by those whom they know, that they must be influenced. Do not say we have not volunteers enough—many practical people would come forward if the result of work were more satisfactory; besides, the districts of those many accredited bands of visitors who now traverse the same ground might be divided. Every visitor has now so short a time to devote to each case that it is impossible for her really to learn the facts relating to it, much less to know the character of the people concerned. Yet such knowledge is essential. For instance, I know a man who was out of work in London; his wife and children were nearly starving,

she, heroically earning what little she could by hard work in a house five miles from her home, to which she walked in a morning, often without breakfast, taking off her boots to save them when she reached the fields. She told me herself that many a time in returning, she had thought of forsaking her home, the memory of her children alone bringing her back. Her husband was a poor-spirited man, a good workman, but accustomed to be guided by his wife's stronger nature. Work was finally found for him in the country. He did badly, so badly that it seemed almost unreasonable to risk the large sum necessary to pay the travelling expenses for his wife and children to join him. "Bless you, miss," said the poor woman hopelessly, "if he's a fortnight away from us he won't have no more *infection* for me and the children than that chair." Trusting to her influence the money was advanced, the family were reunited. The man's work has been excellently done for upwards of a year, and he has repaid the travelling expenses. What collective body would have judged rightly in such a case?

For by knowledge of character, be it observed, more is meant than knowledge of whether a man is a drunkard or a woman dishonest; it means knowledge of the passions, hope, and history of people; where temptation will touch them; what is the little scheme they have made of their own lives, or would make if they had encouragement; what training long past phases of their lives may have afforded; how to move, touch, teach them. Our memories and our hopes are more truly factors of our lives than we often remember.

So far, I believe, the most thoughtful of the workers among our poor would wholly agree, when once they see how organisation can be carried on in harmony with these principles. But I wish that I dare hope that it would bring them to serious consideration of the subject, to hear that after four years' experience of the success of the attempt, and in solemn and distinct sight of what it implies, I am prepared to say that we ought to abstain wholly from all gifts, other than those which friend gives to friend; that wherever wise personal influence is brought to bear we ought to abstain at once, and that under this system alone can the lowest classes be raised. This conviction is based on careful watching of the effect of trusting to the latent spirit of independence, contrivance, and patience of the poor.

We do not habitually in our gifts to one another give necessities which a man is bound to provide for his family. And, for some reason, this habit has a certain respectfulness in it which is an element essential in successful dealing with the poor. It is not, God knows, that I would deny them any good thing, or that I would sacrifice even the least of them to a theory—my honoured friends among the poor, if at moments they have thought me hard, would bear me out in this—but that I question whether these gifts of ours are good things to them. Spiritually they are injurious. They foster an ungracious, discontented spirit; wherever the gift becomes

important enough to veil or outweigh the human sympathy, wherever, in fact, it is given for the sake of the gift and not of the friendship, it will be received in a querulous, discontented temper. Moreover, it eats out the independence of the poor. You think parish relief alone does this, but you are wrong; any help given, except as friend gives to friend, does so in a certain degree. Private charity is obtained with less unpleasantness, is more abundant, is considered less disgraceful,* and is more easily reverted to than the workhouse dole. And just so far as it is, so it destroys independence more. A woman whose husband was in full work, who had only one child, asked me for a letter, stating that she was in need of a hundredweight of coals. I replied that I could not really feel that she was in need. She seemed hurt and disappointed. "Well," I said, "I will write saying you have won my respect as an honest, cleanly, respectable woman, who has always paid her rent regularly." I hoped her self-respect might respond to the respect and cheerfulness of the remark. But no, the temptation of the coals was too great, she evidently wished that her room had been slovenly, her rent left unpaid. Yet this woman would not think of going before the guardians to seek help.

To ourselves, also, the influence of donations is harmful. They are hiding from us facts concerning the wages of the bulk of the working classes which it is important for us to know. I leave to political economists the question of what is to be done when the facts are made clear. The first thing is to see them. If a time is approaching when gifts are coming in to back up insufficient wages, like the out-door relief system under the old poor-law, it is well we should face the matter. If we do not believe that a working man's wages enable him to meet by due foresight the most ordinary events of life—if a birth, an illness, a death, involve expenses he cannot defray, let us say so honestly, and undertake them deliberately, uniformly, as a distinct duty. Let him feel that we have solemn obligations to him as the sole possessors of the power to meet these wants of his. Let him receive with honour, and we dispense with sorrow. But in mercy again I say, have no variable action, no divided responsibility.

I am far from saying wages have reached this point; what they may do if the present system is continued let those who see furthest judge. No poor man in London pays for medical attendance now; none need pay the full price for clothes; few supply themselves with the whole of the coal they consume; we now begin to suppose even food to be beyond his reach. It matters comparatively little who pays, where the duty is as completely undertaken as in the case of the hospitals; no very disastrous results arise, but let us be clear about who is to pay. And if you benevolent people undertake systematically or repeatedly to supply necessities, and never

* Parish relief, however, is a right, not a favour; to claim it, though the poor do not yet think so, is in no way necessarily disgraceful.

cultivate the self-reliance of men, you will find in the end you are simply making a present to employers by lowering wages, and in as far as you yourselves are employers, you will be withholding justice, and doing charity.

There is yet time to take better ground. I see no limit to the power of raising even the lowest classes if we will know and love them, deal with them as human beings, stimulate their hope and energy. I speak from experience, which, though it extends over a small space, is triumphant, and I trust conclusive, as far as it goes. I hope it may yet be permitted to me further to prove the point by obtaining the power of preventing miscellaneous gifts from other sources reaching my people. I am satisfied such prevention would ensure a yet more complete success. I am sure the unusual success which has already crowned our work has been, in large measure, due to the absence of gifts. Our neighbours are so far convinced of this that the clergyman of our district himself proposed to distribute no doles in our tenant's houses, without our recommendation.

I know I have had great advantages, due wholly to Mr. Ruskin's liberality, in having purchased the homes of my people. I could write much on the power conferred by this privilege, and the advantage of entering into business relations with the very poor as an introduction to, and test of them; of health promoted by sanitary arrangements; of order supplanting dirt and untidiness; of the education, not of children only, but of adults, possible when your duty is in some measure to rule their homes; of how, when thus you know them, you can provide happy, innocent amusement for them; of how fulfilment of mutual duties binds you and them together. But I have dwelt on all this elsewhere, and now only add that if any one fears lest self-indulgence might lead to the adoption of the principle of action, which I have advocated, and that it is an easy thing to dispense with gifts, let him not suspect it. The harder course is the one I have pointed out as the better; our motto might be, "Not less, but more." Let him at least content himself with *organised* gifts which may be palliations, but can never raise the people, unless he is prepared to devote not money, but thought and time, and knowledge, and sympathy, and love, to the poor; to trust himself and them to the might of those great eternal instincts of energy, generosity, reverence, faith, which he will find latent in every man. Energy responding to the appeal, "How pleased you will be to help yourself again now!" Generosity to that which says, "If you can manage for yourself now you will set me free to do something for your brother there." Faith which, in the feeble beginnings of amendments, that are to lead to fair and prosperous days, answers, "I don't quite see it yet, but if you say so, miss, I'll try."

Defects of Official Statistics of Co-operation. By G. J. HOLYOAKE.

THERE is that kind of interest now taken in co-operation, which causes inquiry as to its statistics. Parliament, at considerable cost, has endeavoured to supply them, but has not succeeded in doing it. I have obtained from Mr. William Nuttall, of Oldham, who has a high position as a co-operative accountant, a statement of the defects of the official statistics, upon which the public rely for information, upon the commercial aspects of co-operation. I will give the main facts in Mr. Nuttall's words:—

"The annual return of friendly societies' has just been issued by the registrar, J. Tidd Pratt. At the end of this document is a summary of statistical returns made to him by 670 co-operative societies, duly registered to December 31, 1868, under the Industrial and Provident Societies Act. Since the year 1862 it has been usual for some member of the House of Commons to move that the entire questions submitted to, and the answers returned by each society, be printed and circulated. Although the registrar, Mr. J. T. Pratt, applied to more than one member of the House, to see this attended to for the year 1868, yet he did not succeed. It is not known why, although in a recent correspondence which has taken place between Mr. Pratt and Mr. Pitman (the editor of the *Co-operator*), Mr. Pratt incidentally refers to the previous return as having cost 469*l.*, leaving the reader to conclude that this is the reason. If this be the real cause, the co-operators of Lancashire, &c., would beg to refer Mr. Pratt to the North of England Co-operative Printing Company, who would be glad to undertake to compile and print 500 copies of this document for one-fourth part of the sum already named, giving a guarantee that fewer serious errors shall occur in its compilation than in any one yet issued. While, however, regretting its errors, co-operators are sensible of the value of this document as it is; and hope it is not too late to get the consent of the House of Commons to printing it as a return, separate and accessible.

"This summary, appended by Mr. Pratt to his return, shows that 1052 co-operative societies have been duly registered to December 31, 1868. Of this number, 286 had been dissolved, and 96 neglected to make their returns. Nothing can show the necessity for printing the details more than the number of dissolutions. Why are they so numerous? How long had the societies been in existence? In what counties were they situated? These and many other questions of equal importance may be asked, and with our present information will remain unanswered.

Our Northern co-operators so seldom hear of a failure, that they suspect most of these societies set up in the south, and commenced by men of little practical knowledge of co-operation as carried out in Lancashire, and that very few indeed of these societies ever attained "walking age." In proof of this, it is only necessary to quote from

for November, 1867, where it is stated that "in Lancashire, where there were 185 societies with 86,340 members, 698,626*l.* capital, a business of 2,179,524*l.* and a profit of 202,902*l.*, not a single society had been dissolved up to the end of 1866." Turning to the bright side of Mr. Pratt's statistics, we learn that 670 societies have increased their members from 171,897, to 208,738—rather over 20 per cent.—the total representing about one in thirty of the entire population of England and Wales. The share capital possessed by these societies amounts to the handsome sum of 2,027,776*l.*, having increased 500,000*l.* during the year 1868, or about 37 per cent.

The rule with these societies is, to encourage shares, and discourage loans, hence the latter only amount to 184,163*l.* The entire business transacted by 577 societies in 1867, was 6,001,153*l.*, while the business returns of last year amount to 8,113,072*l.*, showing an increase of over 30 per cent. This large business was conducted with an average stock-in-trade of 810,427*l.*, including shoes and drapery, in which heavier stocks are required, in proportion to their trade, than in grocery, thus showing a replacement of stocks once each month, while in some of the large stores we find the period does not exceed a fortnight. While there are a few exceptions, yet it is all but universal for these societies to buy and sell for what the "trade" considers ready cash, and it is very rare indeed that credit is allowed on sales. Five per cent. per annum appears to be the general rate of interest on capital allowed to members, and for the year 1868 amounts to the sum of 74,596*l.*, the allowance for depreciation in value of land, buildings, &c., being about an average of 6 per cent. per annum.

The next item of importance is the "distributive expenses;" and, with regard to these it has to be regretted that, after so much labour has been bestowed upon the question in order to get uniform answers from all societies, some one has so blundered in compiling or printing the summary, as to represent the entire expenses at 34,905*l.*, while they ought not to be much, if any, below 400,000*l.* In fact, we know from other reliable sources, they average, when interest, depreciation, wages, and all other necessary items are included, about 5½ per cent. on the business. During the past five years we have pointed out no less than fifty-three errors in the compiling of the Co-operative Societies' Returns, varying from units to hundreds of thousands of pounds. We think the importance of such documents ought to secure more care. If the co-operators had the power to impose a penalty, as Tidd Pratt has, for non-compliance in answering the questions they could submit to their own body, they would gladly compile and print these documents at their own expense.

The entire liabilities of these societies on December 31st, 1868, were 2,027,747*l.*, with a reserve fund of 79,710*l.* On the other hand we have 2,155,117*l.* of assets, of which 744,165*l.* is invested in land and buildings for conducting the business; 142,273*l.* is

re-invested as shares and loans in other co-operative such as corn mills and wholesale supply associations, and 165,556*l.* as shares and loans in joint stock manufacturing companies, most of which are conducted by working men. The net result of all this business, considered from a financial point of view, is a disposable profit of 425,542*l.*, of which 357,380*l.* is credited to members, 12,676*l.* paid to non-members, 3606*l.* devoted to educational purposes, and the remainder to the reserve fund and various other benevolent purposes. The profits of these societies accumulate so fast (doubling their entire capital every two years) that its possessors are puzzled in what profitable and secure way to re-invest it. However, in one way all are agreed, namely, the building of houses for members. Rochdale, Bury, Oldham, and many other towns have already erected some hundreds. Several co-operative conferences have considered the propriety of investing their funds in co-operative productive concerns, the profits of which are to be divided with the shareholder, workman, and purchaser. One or two associations of this kind have already been formed; and it is hoped by their aid much of the capital, time, and ill-feeling wasted with strikes will be more profitably employed. The following table, compiled from the Annual Returns of Co-operative Societies, shows, among other interesting features, that the members have increased 61 per cent., the capital 196, and the business 186, during the last five years:—

—	1861.	1865.	1866.	1867.	1868.
	£	£	£	£	£
Number of Members	129,429	148,586	174,993	171,897	208,738
Number of Members admitted ...	25,831	30,182	37,055	38,606	38,959
Number of Members withdrawn ...	11,961	11,815	14,053	20,779	25,054
Amount of Share Capital ...	684,182	819,367	1,046,310	1,475,199	2,027,776
Amount Credited to Shares ...	278,363	307,356	418,113	621,936	929,131
Amount Debited to Shares ...	156,798	190,812	256,761	486,029	521,132
Amount of Loan Capital ...	89,122	107,263	118,023	136,734	184,163
Amount Credited to Loans ...	34,554	36,631	35,170	49,527	52,937
Amount Debited to Loans ...	23,247	19,310	29,030	33,764	42,093
Goods Bought ...	2,582,539	3,063,088	3,892,766	5,337,262	6,100,406
Goods Sold ...	2,836,606	3,373,847	4,462,676	6,001,153	8,113,072
Total Expenses, including Interest on Capital and Depreciation of Buildings, &c. ...	184,492	190,538	235,594	311,258	34,905

	1864.	1865.	1866.	1867.	1868
	£	£	£	£	£
Nett Profit Realised, in addition to Interest on Capital, &c., &c. ...	224,460	279,226	372,307	398,578	425,542
Total Amount of Interest Chargeable...	30,601	33,686	45,544	63,091	74,596
Total Liabilities ...	277,894	273,471	357,073	1,589,245	2,027,747
Total Assets ...	891,229	1,105,685	1,353,839	1,858,616	2,155,117
Average Amount of Stock in Trade ...	—	—	—	583,539	610,247
Amount owing for Goods and Expenses	—	—	—	166,688	139,390
Total Value of Buildings, Land, &c. ...	—	—	—	525,463	744,165
Total Allowance for Depreciation of Buildings, Fixtures, Land, &c. ...	—	—	—	27,902	41,847
Amount of Reserve Funds of all Kinds	—	—	—	32,629	79,710
Amount of Share and Loan Capital Invested in Joint Stock Companies ...	—	—	—	491,429	165,556
Amount of Share and Loan Capital Invested in other Co-operative Societies	—	—	—	—	142,273
Amount of Insurance on Buildings and Stock in Trade ...	—	—	—	659,782	—
Dividend Declared Due to Members ...	—	—	—	—	357,380
Dividend Declared Due to Non-Members ...	—	—	—	—	12,676
Amount allowed for Educational Purposes ...	—	—	—	—	3,606

THE CURRENCY.

MR. EDWIN HILL read a paper "On the Proposal to Charge for Mintage of the Sovereign." Mr. Hill maintained that so long as the coinage of sovereigns was gratuitous so long would sovereigns of full weight be as eligible for exportation as bullion, if not more so. Now, the only existing impediment to the exportation or importation of bullion was the expense of its transmission, including interest, insurance, &c., together with the dealer's profit. To cover this expense so as to cause a movement of the gold in either direction, there must be a difference between

the home value of the gold and its value abroad, of at least a half per cent. ; from which it followed that the home value of gold, provided it was kept slightly within the limit of a half per cent. above and a half per cent. below the value abroad—together, nearly 1 per cent.—might fluctuate indefinitely, of course carrying our whole currency with it, without causing either influx or efflux ; *i.e.*, without even setting the corrective mechanism in motion. It was manifest that a charge for coinage would form an additional impediment to the exportation of coin. If 1 per cent. were charged, then on the occurrence of an excess in the currency, the home value of the sovereign must fall, not a half per cent., but $1\frac{1}{2}$ per cent. below the value of bullion abroad, before such excess would be removed by the existing mechanism. Thus the mischievous influence of the excess would be prolonged in the currency, and at the same time trebled in intensity. In case, however, of a scarcity in the currency from the demand increasing upon the supply, a difference of a half per cent. in the home value of bullion above its value abroad, would suffice to induce an importation of bullion, which could be coined with no more loss than it now is, notwithstanding the charge for coinage—the value of the sovereign being thus sustained by the pressure of the demand, quite independently of its value as bullion. The American greenbacks, though not commanding bullion, would, no doubt soon recover their full nominal value should the excess in the quantity issued be withdrawn. The writer thought it of the utmost importance that instead of enhancing fluctuations in the value of the monetary unit, the sovereign, we should do our best to reduce them to a minimum. The great importance of keeping the amount of the currency in the closest practical correspondence with the legitimate wants of the country for purposes of exchange, by means of the immediate removal of any excess that might arise, and the immediate supply of any insufficiency, was shown by the following considerations. (1st.) Since the value of currency, like that of other commodities, is controlled by the economic law of demand and supply, it followed that whenever the demand outruns the supply its value must rise, whilst, if the supply outruns the demand, its value must fall. (2nd.) But the unit of our currency—the sovereign—is our standard measure of value in exchange, by reference to which, practically, we measure and express the value of all exchangeable commodities, and the cardinal virtue of a standard is, that it shall not change at all.

Mr. W. D. Henderson followed with a paper “On the Currency,” of which we give the following abstract :—The writer commenced by pointing out that our banking system had never been allowed to develop itself naturally, but had been continually hampered by various legal restraints, and that no sooner had one been removed than another was imposed. As a consequence of this, there had been in England a continual recurrence of panics, and whilst the remote cause of these panics was the interference with the freedom of trade

by legislative enactments, the immediate causes were—(1st.) The smallness of the capital of the banks when compared with their liabilities; (2nd.) The smallness of the specie held in reserve by the banks when compared with their liabilities. One of the remedies for the first of these the writer believed to be the formation of limited liability banks; and, although the principle might now be said to be under a cloud, he pointed out that in the banks which had failed the uncalled-up amount of the shares had been so great that practically the banks were unlimited. As regarded the second, he remarked that, whilst in England there was too much gold in circulation, there was too little gold in the banks as a reserve. The issue of 1*l.* legal tender notes by the Government would be a much cheaper circulation than one of gold, and if 50,000,000*l.* of these notes were ultimately issued, and the average reserve of gold kept against this circulation was 25,000,000*l.* the nation would save the interest on the balance of 25,000,000*l.*, which at 3 per cent. would amount to 750,000*l.* a year. The safeguards needed in the management of such a scheme were pointed out, and also how the notes would be got into circulation. In this context, it was suggested that the country bankers of England should have the same privileges as the bankers of Scotland and Ireland, and be allowed to issue notes, of course of 5*l.* and upwards, against gold or Government 1*l.* notes. The banks of the United Kingdom, it was contended, should furnish monthly statements to Government of their affairs, and these accounts should be published, so as to show not the affairs of any particular bank, but of all the banks doing business in any particular district; such a return would be likely to induce the bank to keep larger reserves of specie, and at all events it would call public attention to the wants and necessities of our banking affairs. A similar publication of the affairs of the insurance companies was also suggested.

DISCUSSION.

Sir JOHN BOWRING said that the sovereign, as the substantial representative of the pound sterling, was universally recognised as a standard of exchange, and if it were degraded in value, it would cease to hold the position it now holds in the commercial mind all over the world. There was no place in the world with which we had commercial intercourse where the sovereign was not distinctively recognised; and this was not the case with the franc, the florin, or the rouble, because different countries had them of different values. In the Bank of England, the payments of the pound alone exceeded 300,000,000*l.* sterling, the payments of the City bankers exceeded 350,000,000*l.* sterling, and the payments of the bankers of the West End, and of the London shopkeepers, certainly exceeded 400,000,000*l.* sterling. Here was a total of a thousand millions paid in one capital. The proposal to diminish the value of the sovereign 100 per cent. meant, that creditors should lose 10,000,000*l.* sterling every year, and that the national debt should be reduced to the extent of 8,000,000*l.* After referring to international bill transactions, he expressed the belief that we could not change the value of the pound sterling without causing universal perturbation. The absurdity put

forward was that there was to be a coin which in England should have one value and in all other parts of the world another. He would recommend that there should be an international congress to decide that certain gold coins should be received at a value to be determined, representing their intrinsic worth. Why should there not be an understanding that the franc should pass current in England at a value to be ascertained in reference to its specific worth?

Mr. JAMES HEYWOOD, F.R.S., had just returned from the International Statistical Congress, held at the Hague, and the congress was unanimously in favour of the adoption of an international system of money. It appeared to him that it was the duty of England to make a small concession towards the solution of this difficulty; we ought to reduce the value of the sovereign so as to make it equal to twenty-five francs. In exchanging sovereigns in France, we had to sacrifice the extra twenty. It would be an enormous gain to us to have money in circulation here which had exact equivalents abroad. He had lived a good deal on the continent, and the general feeling was in favour of our making some concession. It was in an international point of view he advocated a small reduction in the value of the sovereign, and he was willing to let it be paid for mintage. As a matter of fact sovereigns soon lost twopence a year, and he believed that the quantity of sovereigns now worn to that extent was large, and that they would soon have to be called in. The practical issue was, is it worth while to go through the inconvenience of having a reduction made in existing contracts, and of putting new ones on a new basis, in order to obtain international coinage? He believed it was, but he would deal fairly with all creditors, would give notice of the proposed change, and would have existing contracts revised. He believed British commerce would be increased by the reduction of the value of the sovereign to twenty-five francs, whilst the keeping of books would certainly be facilitated.

Mr. GEORGE HURST, who always got the full value of the sovereign abroad, said the reason why it passed all over the world more readily than the coins of any other country was, that the value of it could be depended upon. It would, therefore, be very dangerous to tamper with its value. If that were reduced, debts, mortgages, and advances generally would have to be paid off with the reduced sovereign, and in that case an injustice would certainly be done to those to whom the money was due.

Mr. DELAHUNTY, M.P., holding that the point at issue was the debasement of the sovereign, referred to a discussion in London in which it had been stated that the coinage of the country cost 30,000*l.* a year, and said that the unanimous feeling of the meeting was that, sooner than have English coin marked as dishonest throughout the world, the country should pay the 30,000*l.* But of gold coinage we renewed only about 4,000,000*l.*, which could be coined by contract for 5000*l.* or 6000*l.* a year, whilst we might also save some portion of the 14*d.* per ounce charged by the Bank of England for receiving the money and sending it to the Mint. That convenience cost 6000*l.* a year, which was a mintage in itself, and it could be saved by the government opening an office at which people could obtain gold for bullion. Let be known and understood that we paid 6000*l.* a year because the Bank of England was bound to give only 3*l.* 17*s.* 9*d.* in place of 3*l.* 17*s.* 10½*d.* per ounce of gold. He did not credit Mr. Lowe's statement that it would cost 400,000*l.* to put the coinage of the country in a proper state; but, even if it would, we could not spend more than 30,000*l.* a year. There was no article that was used more beneficially in the promotion of wealth than money; every article we used was subject to wear and tear, and if there was a little wear and tear in coin we could not cease paying for it considering how coin facilitated all our dealings. To reduce the sovereign from 113 to 112 grains would be a robbery and a fraud of the creditors, to which the country would not submit, unless indeed allowance were made for the reduction in all future settlements, by an arrangement similar to that which was found easy when the coinage of Ireland was assimilated to that of England. Whatever we might do with subsidiary silver and copper coins, he trusted the government would never be allowed to debase the gold standard of value.

Mr. J. MURPHY (Belfast) said it was quite possible to retain the sovereign at its present value, and still to make a charge for mintage. He would ask those who were so anxious for international coinage, to consider the facts that the Bank of

England note was not a legal tender in Ireland, and that there was no legal tender in Scotland and Ireland above forty shillings, except the sovereign. The consequence of this was that, whilst it cost nothing to transmit money from York to London, it cost about $\frac{1}{4}$ th per cent. to send it from Ireland to England, and from $\frac{1}{4}$ th to $\frac{1}{2}$ th per cent. to send it from Ireland to Scotland. If we wanted international coinage, let us begin at home.

Mr. F. HILL believed Mr. Lowe to be a man of undoubted probity, who would not submit a scheme tainted with injustice; his proposal was simply that 113 grains of gold should be required from every one who asked for a sovereign to be coined; and that circumstance would, for all purposes except those of bullion, maintain the sovereign at its present value. In the paper read, his brother did not oppose the alteration of the value of the sovereign, as had been inferred; but he said, fix your value and keep to it; do not let it be fluctuating; maintain rigidly your standard, whatever it may be. A change in the value of coin did not necessarily involve robbery of any creditor, public or private, and we might as easily accommodate ourselves to it as the Irish had done. Mr. Hill proceeded to advocate the adoption of a one-pound note for England, in order to reduce the charge for mintage by lessening the wear and tear of gold. In Scotland a one-pound note was preferred to a sovereign, and the note possessed many advantages. It was seldom forged; it was capable of recognition, if its number could be taken down, so that if it were lost you had a clue to it; and he believed that the adoption of the note in England would prevent nine-tenths of the post-office robberies.

Mr. EDGAR said that if the theory were correct, that coinage gave additional value to gold, the exaction of payment for coinage would cause debtors to pay more than they had agreed to pay. But it was ridiculous to talk of the sovereign as a manufactured article carrying additional value; the gold did not acquire a new character, like cloth made into a coat, or leather into shoes. The sole effect of the coinage was to show the quality and the weight of the gold; coining was simply a matter of convenience, and it did not fit the gold for any new use; and, for foreign exchange, bullion of which the value was ascertained, would be equally useful. Had it not been for the international coinage question, we should probably not have heard of Mr. Lowe's plan, which might be a convenient way of introducing an international coinage, and the proper course to adopt would be this—For a certain period, during which the new coins are to be issued, let it be understood that whoever pays a debt is to pay it in the old coinage and not in the new, and in that case no injustice would be done to any one by adopting the plan proposed by the Chancellor of the Exchequer. In conclusion, Mr. Edgar objected to the issue of 11. notes, except as against gold, and protested against the opposition implied in both papers to the Bank Charter Act, which he compared to the Newtonian theory of gravitation.

Mr. JOHN NOBLE said the real point at issue was, whether it was worth the while of this country to defray the cost of the mintage of gold, instead of making a charge for it; and all he had heard confirmed him in the opinion expressed by Sir John Bowring. There did not seem to be any advantage in Mr. Lowe's scheme to compensate us for the serious disadvantages of the disarrangement of all existing contracts, and the destruction of the prestige of the pound sterling all over the world—a decided advantage, for which the cost of mintage appeared to be a cheap investment. The deterioration of money by wear and tear was really not an element in the question, because it affected all the coins of all countries.

Mr. DELAHUNTY was permitted to add that he had no objection to 11. notes, provided they were represented by gold in the hands of the government; but he objected to a system which left a country without any circulation at all, or rather, without an adequate circulation. One pound notes were abolished because they excluded gold, and rendered the paper unsafe, just as the United States have simply paper at present, so that it is impossible to recur to a gold standard. The people of England would not wish to lose their gold circulation, because with it, their note circulation would also disappear.

Mr. HENDERSON, in reply, said he was no admirer of the Bank Act, but he did not impugn its principle, and he believed that with modification it would work well; indeed, his proposal was based largely on the principle of that Act. No one

defended it now on the grounds upon which it was proposed. He would allow a number of competing banks to issue 1*l.*, 2*s.*, 3*s.*, and 4*s.* notes, and would let the competition regulate the currency.

The Right Hon. STEPHEN CAVE, M.P., said, in reference to the remarks of Mr. Hill, that he was sure no one intended to charge Mr. Lowe, or any other British statesman, with wilful dishonesty, and that when the expression of "robbing the public," had been used by one of the speakers, it was only meant to signify that the public would lose by his policy. With reference to the question of an international coin, the reasons which influenced the majority of the Commission, of which he was a member, were somewhat of this nature—that though an international currency and money of account would be very advantageous, yet that it would not be worth while to subject this country to all the inconveniences of change, in order to obtain a single international coin, while the fractional parts of such coin differed in different countries, and therefore the accounts would continue to be kept in a different manner in each; and with reference to retaining artificially the present value of the sovereign in this country by means of seignorage, that it would be impossible to do this, and at the same time make it exchangeable with the twenty-five franc piece, which in this country would be worth 2*s.* less. As to the charge for mintage, he did not think it was a great question. A certain charge was, in fact, paid by the owner of bullion both here, and in France, either in delay, or directly to the bank, and he saw nothing unfair in the charge for the renewal of the coinage (the wear and tear) being thrown upon the Consolidated Fund, as it was for the convenience and benefit of the nation at large. With regard to the other paper, by Mr. Henderson, he thought that the object of the Bank Act of 1844, and the cause of panics, was misunderstood. The Bank Act was not intended to ensure a supply of money. Its object was to prevent the Bank of England note being depreciated, and no one could say, that in this respect, it had failed. In the midst of the worst panic there was no apprehension that the Bank note would not be convertible, consequently, it never was below par. It might be at a discount in Ireland, just as the sovereign still was in some parts of Scotland, but those were exceptional cases, chiefly caused by ignorance and prejudice. Therefore the cause of panics was not fear that the Bank of England might not be able to redeem its paper, but they usually arose from people not being able to borrow money to meet their engagements. If they could not do so, they would of course become bankrupts. When there was a larger number than usual of borrowers, lenders raised their terms, and so the rate went higher and higher, till at length money could not be borrowed on any terms, and a crisis took place; the bank reserve is only an indication of the reserve in the hands of the public. There might be occasionally panics caused by the publication of the bank accounts, especially at those times when there was a normal drain of money; should a casual or abnormal drain set in at the same time, a panic might ensue without good cause. The French say that their system is better, because the directors, knowing that the claim is temporary, issued an additional number of notes, expecting to get them back again before long; but if they miscalculated the extent of the drain, or panic, they ran the risk of being unable to redeem their notes in gold. As a matter of fact, panics occurred from much the same causes in countries, the systems of which were wholly dissimilar; and the variations of interest in England were not more than might be expected in a place where almost all the accounts of the mercantile world were adjusted. Whether the Bank of England were abolished as a government bank or not was a question of very little moment, except to the shareholders, and not much to them, as there were disadvantages as well as advantages, in a commercial point of view, arising from the government connection; but the business now done by the bank for the government would have to be done somewhere else, and perhaps not cheaper or better; and a reserve of bullion must be kept somewhere, for he could not think any system of paper currency possible, which did not provide for the convertibility of the note at all times at the will of the holder.

MISCELLANEOUS.

Mr. GURNEY BURT read a paper on "The Incidence of Taxation and Debt on the Industrial Classes." He maintained that the incidence of taxation was at present of more importance than its reduction; that Sir Robert Peel had not reduced taxation, but that his great merit as a finance minister was, that he had distributed the burdens in a way in which they were very much less felt.

Mr. NOBLE read a paper "On the possibility of entirely repealing all duties of Customs and Excise."* He urged the necessity of devising a mode by which the principle of direct taxation could be applied to the collection of the revenue. In order to comply with the principles laid down by Adam Smith, and adopted by all political economists, and secure the revenue from fraud, it was necessary to devise some means of assessing the disposable portion of a man's income, that which he felt he could afford to spend; thus exempting savings, which are taxed when they become capital. The house tax was one form of income tax which was approved of by writers on the subject, even by those who differ so widely as Mr. McCulloch and Mr. Mill. The amount paid for rent is generally a fixed proportion of income. It was very important to ensure simplicity in the assessment of taxation; it should be manifestly just and easily understood. Every one knew, whatever views he might entertain as to the objects of government, that one of its principal functions was the protection of property, and hence it was that a property tax was generally preferred to an income tax. A considerable revenue might be raised by a tax on property in a way which would commend itself to the judgment of the community. According to figures which the writer quoted, there is personal property of the value of 4,000,000,000*l.* protected by the state. Is there any valid objection to the assessment of this property? The difficulty experienced in the United States, where all such property is taxed, is that returns of personal property cannot be obtained so accurately as of real estate. This would be obviated if it were made the interest of the taxpayer to send in a correct return, which would be the case if the business of fire insurance were transferred from the companies to the state. The desirability of such a transfer is deserving of consideration, especially in connection with the equitable assessment of all kinds of property. Supposing the insurable property to be only 4,000,000,000, a tax of five shillings per 100*l.* would produce a revenue of 10,000,000*l.** In addition to insurable property there remains for consideration the mode in which other kinds of property should be taxed, the proportion of the public burdens which ought to be placed upon the land, and the taxation of the working classes. The task of demonstrating the necessity of repealing customs and excise is about completed. It now remains to devise a mode by

* This paper has been printed in pamphlet form by its author, and published by P. S. King, Parliament Street, London.

which the change can be effected, and, for that purpose, it will be well to appoint a special committee, to whom the task of considering the best mode of providing a substitute for indirect taxation should be referred.

Mr. J. B. SAFFORD read a paper on "Fiscal Reform; would more Equitable Taxation alleviate Social Distress?" The writer believed that the great obstacle to the reduction of expenditure in England is our system of indirect taxation. Among other evils, it permitted a large revenue to be raised without the payers thereof being conscious of the burden they actually sustained. The writer offered various practical suggestions towards attaining a more equitable taxation.

A paper by Miss LOUISA BOUCHERETT, on "The Boarding-out of Pauper Children in England," was read. The writer stated that the boarding-out was now being tried in fourteen districts in England, whilst several more unions had the system under consideration. Miss Boucherett knew of no instance where the system had been abandoned where once begun, and the results up to the present time had been very good. Miss Boucherett hoped that the difficulties which stood in the way of the general adoption of the system in England would soon be removed.

Miss FLORENCE HILL read a paper "On the difference between Farming-out and Boarding-out of workhouse children." The boarding-out system, which is now being adopted in many unions, excites in some minds opposition, under a mistaken belief that it is a revival of the old system of parish apprenticeship, and of the baby-farming so vividly portrayed in "Oliver Twist." Mr. Dickens himself, however, has, in his article, "Little Pauper Boarders," in a recent number of *All the Year Round* refuted the latter charge; and while admitting that, in the one important feature of restoration to family life boarding-out and parish apprenticeship are alike, Miss Hill clearly showed that in all other characteristics the old and the new method are not only different, but absolutely antagonistic. Baby-farming assembles infants in large numbers under one roof—in itself almost certain death, as is proved by the frightful infantile mortality, not only in workhouses, but in other institutions, where the utmost efforts are made in every respect, but this of congregation, to maintain the health of the little inmates. Again, baby-farming shuns observation; is entrusted to persons of doubtful, or even infamous, character, who undertake it solely for profit; and, as now pursued in this country, where infants are rarely farmed out, except those whose existence is a disgrace to their parents, it may be likened to the iniquitous practice of sending old ships, when well insured, to sea, in the hope that they may founder! The parish apprenticeship system, though answering well in the few instances when the youth fell into kindly hands, and was not himself vicious or stupid from long neglect, was liable to failure and great abuse for various reasons, none of which apply to boarding-out. The master being compelled by parish law to take

the apprentice, sought to repay himself by squeezing the last farthing of profit out of his unwelcome charge. The only friend the latter had to turn to was the Mr. Bumble of the district; and at that period there was neither the Argus-eyed press nor the sympathy with suffering which, at the present day, would speedily discover cruelties if practised, and prevent the possibility of their continuance. The boarding-out is unlike parish apprenticeship, inasmuch as it puts its wards out at the earliest possible age, when their very helplessness earns for them the affection of their foster-parents, calling forth theirs in return; and because it entrusts them only to those who themselves seek the charge. It differs entirely from both baby-farming and parish apprenticeship, because—guarding against the hope of profit as a primary motive, it appeals rather to the benevolence of the foster parent to take part in the duty of cherishing a forlorn and defenceless child—because it selects, for this object, those only who have characters above suspicion—because it brings upon them and their wards the broad daylight of publicity; above all, because a constant, though kind supervision, to be exercised by paid officers, supplemented by voluntary workers, is an essential feature—indeed, the very keystone of the system.

Mr. FREDERIC HILL read a letter prepared by Mr. W. D. Esterre Parker, on "The Irish Infant Poor in Workhouses, and those in Peasant Cottages." Mr. Parker gave an account of the state of the children in Irish workhouses, and set forth the advantages of the boarding-out system.

Mr. FREDERICK WEDMORE read a paper on "The Personal Supervision of Poor Men's Homes." The writer began by remarking that the problem of how to provide the city poor with healthful homes at moderate rents had been rendered more difficult by the failure of successive experiments. The erection of blocks of buildings in the neighbouring country, and the institution of cheap workmen's trains, had been of little avail, as the disadvantages of living in the country seemed to the poor greater than the advantages. Mr. Peabody's model lodging-houses were too much tenanted by those who, though they might need help, certainly did not need it the most; and this observation applied still more strongly to the "improved dwellings" at Notting Hill, in one of which there lived a barrister. It had been thought that by giving to model lodging-houses something of the character of public works, their devotion to a legitimate object would be secured. But Acts of Parliament have done very little. Mr. Torrens's, introduced in 1866, was almost a dead letter: there was little use in giving to local authorities—vestries and metropolitan "boards"—power to spend the ratepayers' money. They would not avail themselves of it. Vestries had neither the larger view of imperial government, nor the feelings "personal and passionate," which were the stimulants to individual effort among the poor of London. Some day the state might do much when people had ceased to fear a government that boldly

took the initiative; but till then Mr. Wedmore saw no remedy but personal supervision, which, it should be remembered, could be indefinitely extended, as volunteers increased. Cottage-property in London was very remunerative; the writer described the atrocious state of houses he had visited, which were paying 20 per cent. As a contrast, he instanced the personal work of Miss Octavia Hill, in managing, for Mr. Ruskin, houses which, with all improvements, had never paid less than 5 per cent. Personal supervision, such as hers, benefited the poor of the present, and had an incalculable effect on our youth, who, Mr. Wedmore said, must be the country's hope or fear for the future, since they were the trustees of posterity.

Mr. RAPHAEL BRANDON read a paper on "Railway Fares, and how they may be Reduced." He proposed that an Act should be passed to unite all the railways under one general management, so that they should become a recognised branch of the public service or some independent commission or directory, and that travellers should be allowed to travel one journey of any distance at a specified rate—say, 1st class, 1s.; 2nd class, 6d.; 3rd class, 3d.

Mr. BARTON DELL, of Bristol, read a paper on "Railways and Responsibility as respects Human Life." Mr. Dell remarked that railway companies undertook to insure against accidents, and that they thus insured, either for no equivalent or money payment, or for the same money payment for all amounts, and he contended that this is at variance with universal practice in other cases of risk, and directly opposed to the plainest equity. The result is great hardship and injustice, and if there is no remedy but an alteration of the law, such alteration is imperatively demanded.

Mr. Serjeant Cox read a paper on "Legislation for Trades Unions." He said that the fight of workmen to associate for regulating the terms and conditions on which their labour shall be supplied to employers was now generally admitted, and the only question to be determined was—What should be the form of that recognition? The trade societies asked for power to place themselves under the Friendly Societies Acts, and for a repeal of the Combination Laws; but the objection to the former claim is that those Acts are framed strictly for associations whose funds are wholly applied to benevolent purposes, and whose rules cannot in any way affect others than themselves. They are therefore inapplicable to trade societies, whose primary object is not charity. His proposition was to give to them the highest form of legal recognition, with a proportionate amount of responsibility. He suggested that trade societies should be incorporated after the manner of joint-stock companies with a common seal, with power to sue and be sued in the corporate name; with a memorandum of association, specifying the objects and articles of association, containing the rules for the government of the society, the necessary publicity being the best preventive of any abuse of their powers. They should have the same powers as companies to make bye-laws, and to re-

cover subscriptions from their members. If combining the objects of a friendly society, the rules relating to such objects to be distinct from the general rules, and, with the table of subscriptions, to be approved by a barrister in like manner. To provide against the abuse of such large powers, he proposed further to repeal the existing Combination Act, and by the Trades Societies Incorporation Act, as he suggested that it should be called, that the lawful objects of such societies should be specifically defined, namely, the right of any number of persons to agree together to sell their labour and skill upon any terms and conditions they may be pleased to impose; and that the Act should further specifically prohibit by penalties the interference in any manner with the equal liberty of any persons not members of the society to sell their own skill and labour on any terms they please. He made these suggestions merely as an outline of a scheme of legislation, leaving the details to the draftsmen of a Bill that should embody them.

Mr. F. FULLER read a paper "On the increase of Wealth and Pauperism, Poverty and Crime in this country."* The great want of the time was regular employment, a want which was the cause of pauperism and crime. Much might be done by means of education, and especially ought we to endeavour to root out pauperism by educating pauper children, so that they might be able to be absorbed into the industrial ranks of the community.

Dr. GEORGE CORDWENT read a paper on "A National Means of inducing Economic Self-provision among the Working Classes throughout the Operative Classes."† The writer advocated a well-guarded national or government system of life assurance.

Mr. CHARLES NASH read a paper on "Some causes which have tended to retard the commercial progress of Bristol." The first reason given was the difficulty experienced in the last century from the want of floating accommodation for the shipping frequenting the port. Every tide the vessels were left on the ground, and thus damage often occurred. The next cause named was the want of accommodation for large ocean steamers, which are now carrying the most valuable part of the trade of the country. After many schemes for supplying this want had failed, the Channel Dock Company was formed, and is now actively engaged in constructing a dock of fifteen acres at Avonmouth, with an entrance wide enough for any ship but the *Great Eastern*. Passing from docks to railways, the policy of the Great Western in preferring Plymouth to Milford, and Birkenhead to Bristol, the evils of the break of the gauge, and the distance of the railways from the harbour, were named as circumstances that have militated against Bristol trade. Next, the loss of the Spanish wool trade and the decline of the West India trade were touched upon. Another more recent cause

* Mr. Fuller has had his paper printed in pamphlet form.

† This paper is published by Knight & Co., Fleet Street, London.

was then noticed at some length—the want of agreement among the commercial men of Bristol. Divided counsels have hindered many onward movements. As instances of this pulling in different directions, the defeat of the Bristol and Clifton Railway Bill, by two or three influential individuals, and the Parliamentary contest of 1863, as to the great river deepening scheme, and the construction of docks at Avonmouth were noticed. A truce ensued, by the terms of which the river improvements are going on, but on a reduced scale, although still perhaps too large and costly for the results to be obtained, and the Channel Docks are also being constructed. The fact of these large works, as well as the Portishead Pier, the Harbour Junction Railway, and extensive street improvements, all going on together, was noticed as a proof of the life now stirring in Bristol. The supposed want of exports was then referred to, but this was considered more imaginary than real. With lines of steamers, leaving at fixed times, there would be no want of assorted cargoes from the manufacturing districts, and from Bristol itself; besides which Cardiff, Newport, and Swansea, may be reached in a tide by ships loading coal and iron. The paper concluded thus:—And now that many of these causes are removed or in course of removal, a second youth has developed itself in Bristol. The suburbs are extending in every direction, new public buildings, warehouses, and manufactories are rising in our midst, and the foreign trade is increasing more rapidly than at any former period.

Dr. HOOPPELL, Principal of the Winterbottom Nautical College, South Shields, read a paper on “The Examination of Masters and Mates in the Merchant Service, by the Board of Trade.” After explaining the institution of the Examinations by the Merchant Shipping Act of 1854, and describing the character of them, and the various regulations regarding them, he pointed out several important particulars in which they could be improved. Among the recommendations he made were the following:—A more comprehensive range of subjects; that the awards of the examinations should be by marks, and that the number required should not be absolutely full marks; the relaxation of the strictness of the bond, existing at present, between the examination in scholarship and the examination in seamanship, allowing a man credit for the one, if he passed in it, although he failed in the other, though of course not granting him a certificate to act as master or mate until he had succeeded in passing both. Dr. Hooppell also recommended that, when the power of appointing the examiners is transferred from the Local Marine Boards to the Board of Trade, a change should be made in the mode of settling the questions. He recommended that they should all be prepared in London, and verified there, as in the case of the examinations conducted by the Science and Art Department. In conclusion he adverted to the importance of the subject he had brought before the Association. It nearly affected many thousands of our countrymen, including all shipowners, merchants,

and passengers by sea. Upon the competency of the men who commanded and officered our vessels depended in a great measure the lives and fortunes of hundreds of thousands of our fellow men.

Mr. W. H. V. SANKEY read a paper "On the present Pecuniary Panic." He attributed this partly to the neglect of England to take up her ancient position as a political power, partly to the neglect with which England as well as other nations had allowed international treaties to be treated, partly to the organisation of trade's unions. Among several remedial measures suggested, the principal was that everything possible should be done to facilitate railway communication.

The Rev. HENRY SOLLY read a paper on "Co-operation as it affects the Working Classes," the object of which was to point out the value of capital to working men, the habit of saving as indispensable for accumulating capital, and the worth of co-operation as the most efficient means for utilizing the savings of workmen in the application of capital. But for want of sufficient direction, co-operative capital was at the present time frequently a lamentable waste of the power that might have been thus accumulated, and some co-operative manufacturing societies are starving for want of the capital which others are throwing back on their shareholders.

The following papers were also read, or taken as read in the Department. "Of the Turnpike System in relation to Main Roads," by Mr. S. H. Gael, printed at length in the *Law Magazine and Review*, No. LV., and "Labour and Capital," by Mr. John Campbell.

'LADIES' CONFERENCE.

The following is an abstract of papers read at the Ladies' Conference:—

A paper by Mrs. BOURNE, "On the Employment of Educated Women in the Nursery," pointed out the importance of the education of children beginning early, of laying a foundation for after work in the earliest stages of life. This was specially important with the view of developing a child's intelligence, which, under the present system of entrusting children to uneducated nurses, was often stunted. The early age was peculiarly the impressionable age, and that in which the temper was most readily influenced. Uneducated nurses did much harm in many ways, as, for example, in producing terrible and indefinite dread by frightening young children. The remedy for this lay in the employment of educated nurses, of gentlewomen in short. Among those women, from whom a passionate cry was rising for independence of thought and liberty of action, were many poor and homeless ladies, who are obliged to seek shelter in the homes of others. It would be well if many of these, instead of waiting to become governesses, would become nurses, and take

harge of children from an earlier stage. This would be womanly work of the right kind. There was nothing really menial in the duties of a nurse; nothing but what a mother could herself do. It would be a good preparation for after life for those who subsequently married. It would be a work which would bring a poor lady into the most intimate and friendly relationship with the mother. In conclusion the author examined some of the objections which might be made to her scheme, showing at the same time how they might be overcome.

Mrs. C. TOMLINSON read a paper "On the Condition of Women and Children in Workhouses." After describing the difference between theory and practice in regard to the treatment of women and children in workhouses, the writer pointed out that the life was one of utter weariness to them, and especially to the aged. To remedy this, and other evils, it was pointed out that the two main requisites were work and better classification. She was aware that workhouse women could not be made industrious by compulsion, but it might be done by appealing to their self-interest. For the able-bodied two dietary scales were recommended, the higher only to be obtained by working for it. For the younger portion work was especially necessary, in order to introduce the habit. Evening employment was recommended.

Miss A. B. CORLETT read a paper "On the Training of Women for Professional Industries." The paper gave an account of the principles which guide the management of the Queen's Institute of Female Professional Schools, Dublin.*

A paper by Mary E. LYTHALL was read "On Industrial Employment for the Blind." The writer gave an account of an institution for the blind at Bradford, in Yorkshire.

Miss C. TOLSON DUCK read a paper "On the Management of Hospitals." The principal points have already been given in the paper on the same subject, read in the Health Department.

* The editor regrets that his limited space will not allow him to give in full Miss Corlett's valuable paper. Information may, however, be obtained from Miss Corlett at the above-named institution.

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